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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

GOVERNMENT
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**Tuesday, January 5, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Chu | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Dufty, Daly, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mirkarimi, Mar, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Alioto-Pier | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Daly, Alioto-Pier | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** David Campos, David Chiu, Carmen Chu, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:10 p.m. On the call of the roll, Supervisors Alioto-Pier, Avalos, and Daly were noted absent. There was a quorum.*

### Supervisors Alioto-Pier, Avalos, and Daly Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisors Alioto-Pier, Avalos, and Daly be excused from voting. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## APPROVAL OF MEETING MINUTES

**Supervisor Dufty, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of October 27, 2009, November 3, 2009, November 10, 2009, November 17, 2009, November 17, 2009 (Special), November 24, 2009, December 8, 2009, and December 15, 2009. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**091336 [Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]**
**Sponsor: Mayor**
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.

**Ordinance No.** 1-10

**FINALLY PASSED**

**091368 [Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - $7,739,300]**
**Sponsor: Mayor**
Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of $7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.

**Ordinance No.** 2-10

**FINALLY PASSED**

### Recommendations of the City Operations and Neighborhood Services Committee

**091373 [Accept and Expend Grant - SF General Hospital Shuttle Bus Project - $100,245]**
**Sponsor: Maxwell**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling $100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

**Resolution No.** 4-10

**ADOPTED**

**091375 [Accept and Expend Grant - Southeast Health Opportunities - $450,000]**
**Sponsors: Maxwell; Dufty**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of $450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

**Resolution No.** 5-10

**ADOPTED**

## Recommendations of the Land Use and Economic Development Committee

**090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]**
**Sponsor: Chiu**
Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Ordinance No.** 3-10

**FINALLY PASSED**

**091284 [Mission Bay - Park P21 Improvements]**
Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Ordinance No.** 4-10

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

# REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

**091482 [Adopting Findings Related to Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]**

Motion adopting findings related to affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review. (Clerk of the Board)

**Motion No.** M10-1

**APPROVED by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

### Recommendation of the Budget and Finance Committee

**091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]**

**Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 12, 2010. The motion carried by the following vote:**

Ayes: 5 - Campos, Chiu, Dufty, Mar, Mirkarimi
Noes: 3 - Chu, Elsbernd, Maxwell
Excused: 3 - Alioto-Pier, Avalos, Daly

## Recommendation of the Land Use and Economic Development Committee

**090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

**Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

# NEW BUSINESS

## Recommendation of the City Operations and Neighborhood Services Committee

**091330 [Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]**

**Sponsors: Avalos; Mar, Dufty and Mirkarimi**

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

**Resolution No.** 2-10

*Supervisor Mirkarimi requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## Recommendations of the Land Use and Economic Development Committee

**090319** **[Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]**
**Sponsor: Avalos**
Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

**090835** **[Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**
**Sponsors: Mar; Chiu**
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

**Supervisor Mar, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

*There were none.*

## SPECIAL ORDER 4:00 P.M.

**091345 [Public Hearing - Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

*The President inquired as to whether any member of the public wished to address the Board concerning the motion to continue the Conditional Use Appeal for 1969 California Street. Sam Lauder (Anthony Meier Fine Arts Gallery) spoke in support of a proposed continuance. There were no other speakers. The President continued the public hearing open to January 12, 2010.*

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

**091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

**091347 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1969 California Street; Approving Conditional Use with additional conditions]**

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

**091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## COMMITTEE REPORTS

**091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**

**Sponsors: Mirkarimi; Campos, Avalos and Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

(Supervisor Alioto-Pier dissented in committee.)

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Ray Hart; expressed concerns relating to public comment.*
*Francisco Da Costa; expressed various concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Mr. Lawrence; expressed concerns relating to public comment.*
*Male Speaker; expressed various concerns.*
*Male Speaker; expressed concerns relating to Muni and the Public Library.*
*Nancy Cross; expressed concerns relating to Healthy San Francisco.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**091466 [Revising the 2010 Board of Supervisors Regular Meeting Schedule]**
Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

**Motion No.** M10-2

**APPROVED**

**091471 [Final Map - 83 - 85 Brady Street]**
Motion approving Final Map 5548, a Six Residential Unit Condominium Project, located at 83 - 85 Brady Street being a subdivision of Lot 022 in Assessors Block No. 3505 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (District 6) (Public Works Department)

**Motion No.** M10-3

**APPROVED**

**091484 [Committee of the Whole - Annulling the Privilege to Occupy Certain Subsidewalk Basement Encroachments to Accommodate the Central Subway Project]**
**Sponsor: Chiu**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 12, 2010, to hold a public hearing on File No. 091479, a resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockon Streets to accommodate the construction of the Central Subway Project.

**Motion No.** M10-4

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.*

**091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]**

**Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar**

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to January 12, 2010. The motion carried by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Avalos, Daly

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

### Ordinances

**100008 [Permit and License Fee Elimination]**

**Sponsor: Chiu**

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Sections 2.28 and 2.29, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/4/2010.

**100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**

**Sponsor: Dufty**

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

**100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - $50,000]**

**Sponsor: Maxwell**

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]**

**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 2/4/2010.

**091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - $652,070,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.
(Fiscal Impact.)

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/05/10; SUBSTITUTED.

01/05/10; ASSIGNED to Budget and Finance Committee.

## Resolutions

**100007 [Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed $39,949,948]**

**Sponsor: Chu**

Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with, a Joint Venture of Parsons Brinkerhoff, Inc., in an amount not to exceed $39,949,948 for a term not to exceed ten years with an option to extend the term an additional two years.
(Fiscal Impact.)

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100010 [Local Streets and Roads Needs Assessment]**
**Sponsor: Dufty**
Resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment.

01/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100011 [Accept and Expend Grant - HIV Prevention Programs - $512,960]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $512,960 from the California Department of Public Health Office of AIDS to assist with a project entitled "HIV Prevention Programs;" for the period of July 1, 2009, through June 30, 2010.

01/05/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100012 [Supporting the Youth PROMISE Act]**
**Sponsors: Avalos; Mar**
Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act.

01/05/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100013 [International Human Trafficking Day and Human Trafficking Awareness Month]**
**Sponsors: Chu; Chiu**
Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

**100014 [Accept and Expend Grant - National Endowment for the Arts Grant - $50,000]**
**Sponsor: Mayor**
Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

**100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - $48,837]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

**100016 [Body Armor Prohibition]**
**Sponsor: Chiu**
Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

**100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]**
**Sponsor: Chiu**
Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

**100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]**
**Sponsor: Mirkarimi**
Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

**100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - $96,415]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of $96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

**100020 [Penalties for Assaulting or Battering a Patrol Special Officer]**
**Sponsor: Dufty**
Resolution encouraging the Chief of the San Francisco Police Department to consider imposition of increased potential penalties for individuals who commit assault or battery on a patrol special police officer.

01/05/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100021 [Acceptance of Real Property - Dearborn Street]**
**Sponsor: Dufty**
Resolution authorizing an agreement under which the San Francisco League of Urban Gardeners will transfer title to real property located on Dearborn Street (Lots 040 and 073, Block 3577), the use of which is restricted to a community garden; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, accept the deeds to property and take certain actions in furtherance of this Resolution.

01/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100024 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not to Exceed $305,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed $305,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010A, and City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010C (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds. (Fiscal Impact.)

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100025 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - Not to Exceed $65,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed $65,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010B, and City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010D (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

01/05/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

12/15/09; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/05/10; SUBSTITUTED.

01/05/10; ASSIGNED to Budget and Finance Committee.

## Request for Hearing

**100026 [Hearing - Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**
Hearing of persons interested in or objecting to proposed resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets to accommodate the construction of the Central Subway project. (Clerk of the Board)

01/05/10; ASSIGNED to Board of Supervisors.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**091475 [General Plan Amendment - Market and Octavia Area Plan]**
Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

**091476 [Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**
Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase the heights of certain parcels and retain the current heights on other parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

**091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

## PROPOSED RESOLUTIONS

**091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel No. 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - $83,251.89]**

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for $83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

**091474 [Settlement of Claim - Devorah Joseph - $49,000]**

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for $49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

12/28/09; RECEIVED AND ASSIGNED to Rules Committee.

**091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]**

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

12/28/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

01/05/10; REFERRED TO BOARD SITTING AS A COMMITTEE OF THE WHOLE.

## Requests Granted

*From: Supervisor Dufty*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft legislation that exempts any car sharing company from paying parking tax in the City and County of San Francisco for the spots or stalls that are used/reserved by the car sharing company.*

*The City Attorney's office should work with the Office of the Treasurer on this request.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: Intersection Webster and Grove, North side of street.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Poles*
*Northwest corner Oak and Buchanan*
*Southeast Page and Fell*

*Metal Poles*
*Northeast corner Geary and Scott*
*In front of 943 Haight*
*In front of 909 Haight*
*Southeast corner Post and Steiner*
*Southeast corner Page and Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*1756 Fillmore*
*600 Oak*
*447 Fillmore*
*330 Fillmore*
*525 Haight*
*533 Haight*
*485 Scott*
*1035 Haight*
*1055 Haight*
*573 Haight*
*699 Haight*
*499 Haight*
*800 Haight, on the Scott Street side*
*601 Haight*
*542 Haight*
*55 Laguna, on the Haight Street side*
*485 Haight*
*1775 Haight*
*1631 Haight*

1556 Haight
1529 Haight
1301 Haight
955 Haight
799 Haight
587 Haight, on the West side of building
250 Laguna
1002 Scott, backside of building
600 Divisadero
507 Haight
741 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes
Northwest corner Turk and Webster
Northeast corner 7th Avenue and Irving
Southeast corner Laguna and Fell
In front of 848 Webster

Bus Shelters
Southeast corner Geary and Laguna
Southwest corner Buchanan and Haight
Northeast corner Pierce and Hayes
Southwest corner Stanyan and Oak
On Haight near Stanyan, North side of street
Southeast Haight and Divisadero
Southeast corner Geary and Scott
Southeast corner Buena Vista East and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Northeast corner Buena Vista West and Haight
Southwest corner Haight and Buena Vista East
Southwest corner Haight and Buchanan
Southwest and Northeast corners Fillmore and Waller
Southwest corner Grove and Gough
Northwest corner Fillmore and Haight

Mailboxes
Northeast corner Fell and Buchanan
Northeast corner McAllister and Scott

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore

SF Daily
Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes and sidewalk issues at the following location: Intersection Webster and Grove, North side of street.

## In Memoriams

Jeanette Scola Trapani – Entire Board
Sgt. David H. Gutierrez – Entire Board
John Philbrook – Supervisor Dufty
Elbert Rose – Supervisor Elsbernd
Annabelle Thomas – Supervisor Elsbernd
Robert H. Bodeman – Supervisor Chiu
Joseph Peter Tarantino – Supervisor Dufty
Veronica F. Mahoney – Supervisor Dufty

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:17 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on February 2, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

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**Tuesday, January 12, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Chu | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Dufty, Daly, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mirkarimi, Mar, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Alioto-Pier | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Daly, Alioto-Pier | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendation of the Land Use and Economic Development Committee

**090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]**

**Sponsor: Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Ordinance No.** 5-10

**FINALLY PASSED**

## Recommendations of the Public Safety Committee

**091385 [Approving the Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]**
**Sponsor: Mirkarimi**
Resolution approving the extension of City and County of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

**Resolution No.** 3-10

**ADOPTED**

**091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - $600,000]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of $600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

**Resolution No.** 1-10

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**091354** **[Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]**

**Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

**Ordinance No.** 6-10

**FINALLY PASSED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi
Noes: 3 - Chu, Elsbernd, Maxwell
Excused: 1 - Alioto-Pier

## Recommendations of the Land Use and Economic Development Committee

**090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

**Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

*Duplicated, see File No. 100039.*

**Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be DUPLICATED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**FINALLY PASSED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**

**Sponsors: Avalos; Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

*Duplicated, see File No. 090583.*

**Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED relating to applying to non-rent controlled buildings where foreclosure has occurred. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to February 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**
**Sponsors: Mar; Chiu**
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

**Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING to January 26, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Public Safety Committee

**091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**
**Sponsors: Mirkarimi; Campos, Avalos and Daly**
Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

**PASSED ON FIRST READING by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**091230 [Department of Building Inspection Cash Revolving Fund]**
Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $600 to $2,000. (Building Inspection Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091421 [Appropriating $739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY2009-2010.
(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY2009-2010 - Department of Building Inspection]**
**Sponsor: Mayor**
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY2009-2010 - $250,000]**
**Sponsor: Mayor**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - $175,000]**

**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091465 [Appropriating $1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010]**

**Sponsors: Mayor; Maxwell**

Ordinance appropriating $1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010; placing $1,683,967 on Controller's reserve.
(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]**

**Sponsors: Mayor; Mar and Dufty**

Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

**Resolution No.** 8-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Public Safety Committee

**091436 [Accept and Expend Grant - U.S. Department of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY2009-2010 - $698,970]**

**Sponsor: Chiu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of $698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - $660,615]**

**Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of $660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $2,079,703]**

**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2009-2010 Homeland Security Grant Program grant in the amount of $2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**091450 [Hearing - Special Tax District No. 2009-1 (San Francisco Sustainable Financing)]**
Hearing of persons interested in or objecting to proposed Resolution of Formation to Establish and Determining Necessity to Incur Bonded Indebtedness ($150,000,000) for Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit, and to provide for other matters related thereto.

*The President inquired as to whether any member of the public wished to address the Board relating to the proposed Special Tax District 2009-1 referenced in File Nos. 091448 and 091449. Rich Chinn (Department of Environment) provided an overview of the project and responded to questions raised throughout the discussion. Steven Moss; Joel Koppel; Andy Fessel; Matthew Winter; Male Speaker; Gail Brown; Jeanine Potter; and Annie Carmichael; spoke in support of the proposed district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - $150,000,000]**
**Sponsors: Mayor; Mar and Dufty**
Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of $150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

**Resolution No.** 7-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]**
**Sponsors: Mayor; Mar and Dufty**
Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

**Resolution No.** 6-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

*There were none.*

## SPECIAL ORDER 4:00 P.M.

**091345 [Public Hearing - Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)
(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

*The President inquired as to whether any member of the public wished to address the Board relating to the Conditional Use Appeal for 1969 California Street. Steve Williams (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Male Speaker; Judith Dufty; Bob Dufty; Aleea McGuire; Kei Yamagami; Ian Berke; Male Speaker; Bill Bronson; Steve Bennett; Sissy Harris; Michael Barcun; Male Speaker; Female Speaker; Jacqueline Mahana; Terry McGuire; Greg Scott; and Jerry Crowen; spoke in support of the appeal and in opposition to the project. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Fred Gladstone and Suzanne Kelley (representing the Project Sponsor) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Celeste Meyer; Chris Meyer; Dr. Karen McNeal; Female Speaker; Jack Gold; Arney Lara; Tom Christopher; Joe Sweeney; Julian Ray; Marcus Kelly; Female Speaker; Male Speaker; Alexander Bose; Carol Brooks; Norm; Brian Soloman; Mark Perrin; Lyndsay Husk; Nordet Burk; Keith Deitricht; Al Gibson; Alvin; Jessica Silverman; Larry Matthews; Gabriella Meyer; Sara Kane; Beth Richardson; Jamie Sanders; Raul Kennedy; Chris Bliss; Rich Niles; and Male Speaker; spoke in support of the project and in opposition to the appeal. Steve Williams (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

**091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091347 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1969 California Street; Approving Conditional Use with additional conditions]**

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be AMENDED adding additional conditions as follows: (1) added to Condition #11: Deliveries related to the art gallery shall occur only on street cleaning days; and (2) added to Condition #14: Valet Parking for art events must have off-street parking for all vehicles and in no instance shall off-street parking spaces be used. Valet parking operations must not unreasonably obstruct driveways at any time; and (3) new condition #17: No residential parking permits shall be used by gallery employees. Alternatively, the gallery must provide employees with off-street parking. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street and authorizing conditional use subject to all of the conditions imposed by the Planning Commission, by its Motion No. 17959, and further subject to additional conditions imposed by the Board of Supervisors on January 12, 2010. (Clerk of the Board)

**Motion No.** M10-5

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

**091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

**Motion No.** M10-6

**Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## SPECIAL ORDER 4:00 P.M.

**091388** **[Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Martin H. Orlick for 77 O'Farrell Street) (Clerk of the Board)
(Filed 11/30/09 - Companion Measure to Files 091389, 091390, 091488.)

*The President inquired as to whether any member of the public wished to address the Board. Michael Yaki, David New and Martin Orlick (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Michael Yaki (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

**091389** **[Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Martin H. Orlick. (Clerk of the Board)

**Motion No.** M10-7

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091390** **[Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Martin H. Orlick. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091488 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Martin H. Orlick. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 4:00 P.M.

**091483 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O' Farrell and 48 Stockton Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Marshall C. Wallace for 48 Stockton Street) (Clerk of the Board)
(Filed 12/1/09 - Companion Measure to File Nos. 091485 and 091486)

*The President inquired as to whether any member of the public wished to address the Board. Marshall Wallace (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Marshall Wallace (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

**091485 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Marshall C. Wallace. (Clerk of the Board)

**Motion No.** M10-8

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091486 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Marshall C. Wallace. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091487 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Marshall C. Wallace. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 4:00 P.M.

**091391 [Public Hearing - Appeal of Revocation of Minor Sidewalk Encroachment Permit for 24-34 Ellis Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 03MSE-157 issued on June 7, 2006, on property located at 24-34 Ellis Street, Lot No. 008 in Assessor's Block No. 327. (District 6) (Appellant: Harvey C. Hacker) (Clerk of the Board)
(Filed 12/1/09 - Companion Measure to File Nos. 091392, 091393, 091489.)

*The President inquired as to whether any member of the public wished to address the Board. Allen Gutenberg (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Allen Gutenberg (representing the Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

**091392 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]**

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and rejecting the appeal of Harvey C. Hacker. (Clerk of the Board)

**Motion No.** M10-9

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091393 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]**

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Harvey C. Hacker. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091489 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and uphold the appeal of Harvey C. Hacker. (Clerk of the Board)

**Supervisor Chu, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 4:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100026 [Hearing - Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Hearing of persons interested in or objecting to proposed resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets to accommodate the construction of the Central Subway project. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the proposed annullment of privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets referenced in File No. 091479. John Funghi (Department of Public Works) provided an overview of the project. Martin Orlick; Allen Gutenberg; Marshall Wallace; and Karl Johnson; spoke in opposition to the proposed resolution. See also public hearing comments in File Nos. 091388, 091391, and 091483. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

**Resolution No.** 9-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Richard Robinson, expressed various concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Christopher Dahl; expressed concerns relating to SF Charter, Article 3.100.*
*Jeremiah Wright; expressed various concerns.*
*Ray Hart; expressed concerns relating to the Executive Branch of government.*
*Frank Lara; expressed concerns relating to MTA layoffs.*
*Danielle Wiseman; expressed concerns relating to MTA layoffs.*
*Male Speaker; expressed concerns relating to MTA layoffs.*
*Shanika Bell; expressed concerns relating to MTA layoffs.*
*Abraham Davis; expressed concerns relating to MTA layoffs.*
*Sterling Haywood; expressed concerns relating to MTA layoffs.*
*Jorge Montiel; expressed concerns relating to MTA layoffs.*
*Carlos Alberto Jr.; expressed concerns relating to MTA layoffs.*
*Maria Cristina Gutierrez; expressed concerns relating to MTA layoffs.*
*Jazzie Collins; expressed concerns relating to MTA layoffs.*
*Marie Harrison; presented Certificate of Appreciation to Supervisor Chris Daly relating to environmental justice.*
*Lawrence Manu; expressed concerns relating to MTA layoffs.*
*Leah Brilenka; expressed concerns relating to MTA layoffs.*
*Male Speaker; spoke regarding the Stockton Street Farmer's Market.*
*Catherine Howard; expressed concerns relating to expansion of soccer fields near Beach Chalet.*
*Nancy Cross; expressed concerns relating to service gaps.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100012 [Supporting the Youth PROMISE Act]**
**Sponsors: Avalos; Mar**
Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act.

**Resolution No.** 11-10

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100014 [Accept and Expend Grant - National Endowment for the Arts Grant - $50,000]**
**Sponsor: Mayor**
Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of $50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

**Resolution No.** 13-10

**ADOPTED**

**100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - $48,837]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

**Resolution No.** 14-10

**ADOPTED**

**100016 [Body Armor Prohibition]**
**Sponsor: Chiu**
Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

**Resolution No.** 15-10

**ADOPTED**

**100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]**
**Sponsor: Chiu**
Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

**Resolution No.** 16-10

**ADOPTED**

**100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]**
**Sponsor: Mirkarimi**
Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

**Resolution No.** 17-10

**ADOPTED**

**100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - $96,415]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of $96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

**Resolution No.** 18-10

**ADOPTED**

**100001 [Final Map 5705: 2540 – 2550 Hyde Street]**
Motion approving Final Map 5705, a 6 Unit Residential Condominium Project, located at 2540 - 2550 Hyde Street being a subdivision of Lot 046 in Assessors Block No. 0045 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M10-10

**APPROVED**

**100002 [Final Map 5468 – 2395 Lombard Street]**
Motion approving Final Map 5468, a 3 Unit Commercial and 12 Unit Residential Mixed-Use Condominium Project, located at 2395 Lombard Street being a subdivision of Lot 041 in Assessors Block No. 0512 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M10-11

**APPROVED**

**100003 [Final Map 5587 – 700 Valencia Street]**
Motion approving Final Map 5587, a Nine Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 700 Valencia Street being a subdivision of Lot 001 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

**Motion No.** M10-12

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.*

**091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]**

**Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar**

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

**Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

**Resolution No.** 10-10

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Chu requested that File No. 100013 be severed so that it may be considered separately.*

**100013 [International Human Trafficking Day and Human Trafficking Awareness Month]**
**Sponsors: Chu; Chiu**
Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

**Resolution No.** 12-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*There were none.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

### Ordinances

**100041 [Personal Wireless Service Facility Site Permits and Associated Fees]**
**Sponsors: Avalos; Campos**
Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1526, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9 to eliminate obsolete provisions related to such permits, making the provisions of the ordinance retroactive, and making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

**100044 [Repealing Various Municipal Transportation Authority Special Funds]**
**Sponsor: Chiu**
Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund).

01/12/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/12/2010.

**100045 [Increasing Real Estate Recordation Fee]**
**Sponsor: Chiu**
Ordinance amending Article XIII, Section 8.24-5, San Francisco Administrative Code to increase the recordation fee to $3.00 from $2.00 at the time of recording real estate instruments to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/12/2010.

**100046 [Planning Code - Amending Inclusionary Affordable Housing Ordinance]**
**Sponsors: Mayor; Chiu**
Ordinance amending the Planning Code by amending the Residential Inclusionary Affordable Housing Program, Section 315 et seq. (the "Program") to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 315 et seq. in the Rincon Hill Area Plan be provided as rental; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

**100048 [Amendment to Solar Energy Incentive Program]**
**Sponsors: Daly; Mirkarimi**
Ordinance amending the San Francisco Environment Code by amending Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require that all systems receiving City incentives be installed by individuals trained under the City workforce development program, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

**100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - $80,000]**
**Sponsor: Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100052 [Appropriating $410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]**
**Sponsor: Elsbernd**
Ordinance appropriating $410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.
(Fiscal Impact.)

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100054 [Workforce Development - Public Service Academies]**
**Sponsor: Mirkarimi**
Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

**100058 [Requiring Just Cause for Eviction from Residential Properties Owned by Specified Lenders After Foreclosure]**
**Sponsors: Mayor; Dufty**
Ordinance adding Administrative Code Chapter 37B "Eviction of Residential Tenants by Foreclosing Lender," to provide just cause eviction protections for existing residential tenants after foreclosure, and require that notice of this Chapter be given to residential tenants of the property.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

**100059 [Appropriating $3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
(Fiscal Impact.)

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $9,499,120 of sources and $3,343,411 of uses and de-appropriating $1,465,360 of sources and $29,419,679 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for FY2009-2010 to balance the projected shortfall for FY2009-2010.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Resolutions

**100042 [Accept and Expend Grant - Supporting HIV Health Services - $3,533,612]**
**Sponsor: Alioto-Pier**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $3,533,612 from the California Department of Public Health Office of AIDS, to assist with a project entitled "Single Allocation Model" for the period of July 1, 2009, through June 30, 2010.

01/12/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100043 [Potential Health Impacts of Wireless Facilities]**
**Sponsors: Campos; Avalos, Chu and Mar**
Resolution urging the U.S. Environmental Protection Agency to study the health impacts of wireless facilities and, if appropriate, to establish a safe level of exposure to radiofrequency radiation emissions; urging the Federal Communications Commission to update its existing standards; and urging the California Congressional Delegation to introduce federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996.

01/12/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]**
**Sponsors: Mayor; Chiu**
Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

01/12/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100051 [Confirming Report of Delinquent Transfer Taxes]**
**Sponsor: Dufty**
Resolution confirming report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

01/12/10; ASSIGNED to Board of Supervisors.

**100053 [Accepting a Gift to the Recreation and Park Department of Synthetic Turf Athletic Fields Valued at Approximately $6,000,000 from the City Fields Foundation]**
**Sponsors: Mar; Campos, Chu, Chiu, Elsbernd, Alioto-Pier and Dufty**
Resolution authorizing the Recreation and Park Department to accept a gift of synthetic turf athletic fields at Mission Playground and the Beach Chalet Soccer Fields, valued at approximately $5,000,000 from the City Fields Foundation.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100060 [Accept and Expend Grant - HIV Technical Guide - $14,500]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of $14,500 to develop a technical guide for HIV care and prevention programs for men who have sex with men (MSM) and transgendered individuals; for the period of December 15, 2009, through December 31, 2009.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100061 [Opposing Shading of Public Parks and Open Space]**
**Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi**
Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100062 [Urging President Obama to Issue an Executive Order Creating a National Ocean Policy]**
**Sponsor: Mirkarimi**
Resolution urging President Obama to issue an Executive Order to create a National Ocean Policy based on the recommendations of the Ocean Policy Task Force.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100063 [Angel Island Immigration Station Day - January 21, 2010]**
**Sponsors: Mar; Avalos, Campos, Chiu and Chu**
Resolution declaring January 21, 2010, as Angel Island Immigration Station Day, and Commemorating the 100th Anniversary of the Immigration Station.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100064 [Bernal Heights Branch Library Re-Opening]**
**Sponsor: Campos**
Resolution recognizing the grand re-opening of the Bernal Heights Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100066 [Accept and Expend Grant - Transportation Development Act, Article 3 - $1,089,413]**
**Sponsor: Mayor**
Resolution authorizing the San Francisco Municipal Transportation Agency to accept and expend a grant in the amount of $1,089,413 from the Metropolitan Transportation Commission for various bicycle projects in the City and County of San Francisco in FY2009-2010.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests for Hearing

**100036 [Committee of the Whole – Beilenson Hearing]**
**Sponsor: Avalos**
Hearing to consider the Department of Public Health's budget eliminating or reducing health care medical services.

01/12/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**100040 [Governor's Proposed Budget for FY2010-2011]**
**Sponsor: Avalos**
Hearing to consider the Governor's proposed budget for FY2010-2011.
01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100050 [Committee of the Whole - Confirming Report of Delinquent Transfer Taxes]**
Hearing of persons interested in or objecting to a report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this Resolution, and creating special assessments and liens based thereon pursuant to Section 1115.1 of the Real Property Transfer Tax Ordinance (under San Francisco Business and Tax Regulations Code Article 12-C). (Clerk of the Board)
01/12/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

## Motions

**100035 [Committee of the Whole - Health Services Reductions (Beilenson Hearing) January 26, 2010, at 3:00 p.m.]**
**Sponsor: Avalos**
Motion scheduling the Board to sit as a Committee of the Whole to consider health services reductions (Beilenson Hearing), to be held on January 26, 2010, at 3:00 p.m.
01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100055 [Budget Line Item for Police Department Dignitary Security]**
**Sponsor: Mirkarimi**
Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.
01/12/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/11/2010.

**100056 [Cannabis Regulation and Control]**
**Sponsors: Mirkarimi; Campos**
Motion ordering submitted to the voters a Statement of Policy regarding the Regulation of the Cultivation and Sale of Cannabis at an election to be held on June 8, 2010.
01/12/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/11/2010.

**100057 [Budget and Legislative Analyst Audit of the City's General Fund Revenues]**
**Sponsor: Mirkarimi**
Motion requesting the Budget and Legislative Analyst to: (1) conduct an audit of the City and County of San Francisco's existing lease, fee, and other General Fund revenues generated by City department activities and of the City's collection of General Fund revenues; and (2) identify new General Fund revenues, enhancement of existing General Fund revenues, and improved collection of General Fund revenues.
01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Introduced by the President at the Request of Departments**

## PROPOSED ORDINANCES

**100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**

**Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use, accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

12/30/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

## PROPOSED RESOLUTIONS

**100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]**

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

01/04/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three-Year Program and Expenditure Plan]**

Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three-Year Program and Expenditure Plan and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

01/04/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Chiu*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft legislation amending Administrative Code Chapter 31.17. The text is as follows: The certification of completion and the final EIR shall be transmitted not less than 14 days before the scheduled hearing by the Environmental Review Officer to the applicant and the board, commission or department that is to carry out or approve the project, and shall be presented to the body which will decide whether to carry out or approve the project. It shall be accompanied with all recommendations regarding possible action on the project.*

*From: Supervisor Avalos*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft legislation prohibiting alcohol sales in formula retail prescription drug stores.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*500 Grove*
*633 Central*
*646 Central*
*799 Haight*
*1568 Haight*
*1456 Haight*
*478-484 Haight*
*1173 Hayes*
*901 Oak*
*580 Hayes*
*745 Buchanan*
*1123 Masonic*
*1429 Oak*
*19067 Oak*
*533 Haight*
*420 Haight*
*101 Pierce, on the planter boxes*
*303 Webster*
*55 Laguna, on the Buchanan and Haight side*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Utility Boxes*
*Northeast corner Fulton & Broderick*
*Northeast corner Baker & Hayes*
*Southeast corner Laguna & Hayes*
*Across from 295 Buchanan*

*Garbage Cans*
*Northeast corner Laguna & Hayes*
*Southwest corner Broderick & Hayes*

*Bus Shelters*
*Southeast corner Divisadero & Haight*
*Southeast corner Grove & Laguna*
*Northeast corner Fillmore & Hermann, canopy*
*Southwest corner Buchanan & Haight*
*Haight & Fillmore, all bus shelters (graffiti & grime)*

*Mailboxes*
*Southwest corner Hayes & Broderick*
*Northwest corner Steiner & Fulton*

*Emergency Boxes*
*In front of 300 Webster*

*Wood Poles*
*In front of 341 Waller*
*Northwest corner Cole & Carl*
*In front of 509 Webster*

## In Memoriams

*Catherine "Kay" Baxter – Supervisors Alioto-Pier and Dufty*
*Uta Hirota – Supervisor Mar*
*George Tsongas – Supervisor Chiu*
*Joseph Jackson – Supervisor Daly*
*Nathan "Nate" Cohn – Supervisor Elsbernd*
*Eleanor Lloyd – Supervisors Elsbernd and Maxwell*
*Glen John Ghiselli – Supervisor Dufty*
*AJ Trasvina – Supervisor Avalos*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 8:11 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on February 9, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 15 2011

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**Tuesday, January 26, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Yee, Fewer, Maufas | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mirkarimi, Mar, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## COMMUNICATIONS

*Clerk of the Board, Angela Calvillo, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 090583 which would extend just cause eviction protections for tenants in most residential rental units with a certificate of occupancy issued after June 13, 1979. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of February 2, 2010.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before the Board

*President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**091230 [Department of Building Inspection Cash Revolving Fund]**

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from $600 to $2,000. (Building Inspection Commission)

**Ordinance No.** 15-10

**FINALLY PASSED**

**091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY2009-2010 - $250,000]**

**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**Ordinance No.** 14-10

**FINALLY PASSED**

**091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - $175,000]**

**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**Ordinance No.** 13-10

**FINALLY PASSED**

**091421 [Appropriating $739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating $739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY2009-2010.
(Fiscal Impact.)

**Ordinance No.** 9-10

**FINALLY PASSED**

**091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY2009-2010 - Department of Building Inspection]**

**Sponsor: Mayor**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

**Ordinance No.** 8-10

**FINALLY PASSED**

**091465 [Appropriating $1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010]**

**Sponsors: Mayor; Maxwell**

Ordinance appropriating $1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010; placing $1,683,967 on Controller's reserve.

**Ordinance No.** 12-10

**FINALLY PASSED**

## Recommendations of the City Operations and Neighborhood Services Committee

**091322 [Liquor License, 953 Harrison Street]**

Resolution determining that the issuance of a Type 21 off-sale general license to Patrick and Angela Buscovich, for the Wine Club located at 953 Harrison Street (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 20-10

**ADOPTED**

**091401 [Accept and Expend Grant - California Secretary of State VOTE Grant Program - Not to Exceed $249,998.41]**

**Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Department of Elections to accept and expend grant funds in an amount not to exceed $249,998.41 for improving accessibility to and participation in the election process for individuals with disabilities in accordance with the California Secretary of State's VOTE Grant Program.

**Resolution No.** 31-10

**ADOPTED**

## Recommendations of the Public Safety Committee

**091436 [Accept and Expend Grant - U.S. Department of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY2009-2010 - $698,970]**

**Sponsors: Chiu; Chu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of $698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

**Ordinance No.** 11-10

**FINALLY PASSED**

**091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - $660,615]**

**Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of $660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

**Ordinance No.** 7-10

**FINALLY PASSED**

**091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $2,079,703]**

**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2009-2010 Homeland Security Grant Program grant in the amount of $2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

**Ordinance No.** 10-10

**FINALLY PASSED**

## Recommendations of the Rules Committee

**091381 [Settlement of Lawsuit - Marco Maestrini - $40,000]**
Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for $40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091382 [Settlement of Lawsuit - Ben H. Lyon - $47,500]**
Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for $47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - $158,000]**
Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for $158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - $141,692.50]**
Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for $141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

**PASSED, ON FIRST READING**

**091384 [Settlement of Unlitigated Claim - David Cleary - $225,000]**
Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for $225,000; claim was filed on May 22, 2009. (City Attorney)

**Resolution No.** 30-10

**ADOPTED**

**091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - $83,251.89]**

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for $83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

**Resolution No.** 29-10

**ADOPTED**

**091474 [Settlement of Claim - Devorah Joseph - $49,000]**

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for $49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

**Resolution No.** 28-10

**ADOPTED**

**091427 [Appointments, Workforce Investment Community Advisory Committee - Tracy Brown and Jamie Brewster]**

Motion appointing Tracy Brown and Jamie Brewster, terms to be determined, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)
Tracy Brown, seat 3, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.
Jamie Brewster, seat 4, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

**Motion No.** M10-13

**APPROVED**

**091481 [Appointment, Veterans Affairs Commission - James Gugliemoni]**

Motion appointing James Gugliemoni, term ending January 31, 2014, to the Veterans Affairs Commission. (Clerk of the Board)
James Gugliemoni, seat 10, succeeding himself, term expiring on January 31, 2010, must be an at-large appointment, for a four-year term ending January 31, 2014.

**Motion No.** M10-14

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Land Use and Economic Development Committee

**090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**

**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Public Safety Committee

**091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**
**Sponsors: Mirkarimi; Campos, Avalos and Daly**
Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

**FINALLY PASSED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**091447 [Ordinance Levying Special Taxes Within Special Tax District No. 2009-1 San Francisco Sustainable Financing]**
**Sponsors: Mayor; Mar and Dufty**
Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091451 [Resolution Authorizing Sale of Special Tax Bonds - Not to Exceed $10,000,000]**
**Sponsors: Mayor; Mar and Dufty**
Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed $10,000,000 and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith.

**Resolution No.** 27-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]**

**Sponsors: Mayor; Chiu and Mirkarimi**

Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091442 [Contract to Transfer Airport Police Service, Assets, and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]**

**Sponsor: Elsbernd**

Resolution approving contract to transfer airport police service and associated assets, and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System.

**Resolution No.** 26-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - $50,000]**

**Sponsor: Maxwell**

Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091439 [Paratransit Broker Agreement - Not to Exceed $118,599,710]**

**Sponsor: Dufty**

Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed $118,599,710 for a five-year term ending June 30, 2015, with an optional five-year extension.
(Fiscal Impact.)

**Resolution No.** 32-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]**

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

**Resolution No.** 25-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating $10,193,602 of sources and $4,556,230 of uses and de-appropriating $1,444,829 of sources and $31,053,764 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for FY2009-2010, de-appropriating $1,299,545 of General Fund Reserve, and de-appropriating $35,825,254 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.
(Fiscal Impact.)

**Supervisor Dufty, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance appropriating $10,193,602 of sources and $4,556,230 of uses and de-appropriating $1,444,829 of sources and $30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating $1,444,458 of General Fund Reserve, and de-appropriating $35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Government Audit and Oversight Committee

## Supervisor Chu Excused from Voting

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that Supervisor Chu be excused from voting on File No. 091218. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Chu

**091218 [MOU, Amendment #2 - Local 798, Unit 1]**
**Sponsor: Mayor**
Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

**PASSED ON FIRST READING by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 2 - Alioto-Pier, Chu

**091219 [MOU, Amendment #2 - Local 798, Unit 2]**
**Sponsor: Mayor**
Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## Recommendation of the Land Use and Economic Development Committee

**091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]**
**Sponsor: Chiu**
Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code.

**Resolution No.** 19-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Rules Committee

**091233 [Administrative Code Amendments Related to False Claims]**
**Sponsor: Alioto-Pier**
Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091402 [Medical Cannabis Task Force]**
**Sponsors: Campos; Mirkarimi, Avalos and Daly**
Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

*Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:*
*Ayes: 10 – Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*
*Excused: 1 – Alioto-Pier*

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 – Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*
*Excused: 1 – Alioto-Pier*

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

*PASSED ON FIRST READING AS AMENDED by the following vote:*
*Ayes: 7 - Avalos, Campos, Chiu, Dufty, Mar, Maxwell, Mirkarimi*
*Noes: 3 - Chu, Daly, Elsbernd*
*Excused: 1 - Alioto-Pier*

*Supervisor Daly, seconded by Supervisor Elsbernd, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*
*Excused: 1 - Alioto-Pier*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

**091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]**
**Sponsors: Campos; Mar**
Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

*Supervisor Mar requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091446 [Modifying the Membership of the Food Security Task Force]**
**Sponsor: Maxwell**
Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091459 [Appointment, Urban Counties Caucus - Supervisor Michela Alioto-Pier]**
Motion appointing Supervisor Michela Alioto-Pier, term ending December 31, 2010, to the Urban Counties Caucus. (Clerk of the Board)

**Motion No.** M10-15

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100050 [Committee of the Whole - Confirming Report of Delinquent Transfer Taxes]**
Hearing of persons interested in or objecting to a report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this Resolution, and creating special assessments and liens based thereon pursuant to Section 1115.1 of the Real Property Transfer Tax Ordinance (under San Francisco Business and Tax Regulations Code Article 12-C). (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the motion to table File No. 100051. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Committee of the Whole Adjourn and Report Without Recommendation

**100051 [Confirming Report of Delinquent Transfer Taxes]**
**Sponsor: Dufty**
Resolution confirming report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

**Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100036 [Committee of the Whole – Beilenson Hearing]**
**Sponsor: Avalos**
Hearing to consider the Department of Public Health's budget eliminating or reducing health care medical services.

*See File No. 100035.*

*The President inquired as to whether any member of the public wished to address the Board relating to the Department of Public Health's budget eliminating or reducing health care medical services. Dr. Mitch Katz, Director of the Department of Public Health, provided an overview of the reductions and responded to questions raised throughout the discussion. Male Speaker; Rev. Melinda McLain; Ken Jones; Abdullah Megaheed; Brenda Barros; Rita Lark; Chris Osborne; Pamela Snyder; Mother Jones; Dr. Alicia Boccellari; Arthur Bosse; Skip Jones; Eve Meyer; Female Speaker; Neils Teunis; Christa Compton; Emil Lawrence; Rev. Yvette Flunder; Michael Tong; Kevin Manz; Jesse Brooks; Male Speaker; Rachel Kelley; Female Speaker; Elree Dawson; Famus Morris; Grace Aikens; Female Speaker; Terry Wells; Female Speaker; Female Speaker; Teresa Hart; Jazheim Groome; Aretha Jones; Male Speaker; Male Speaker; Amber Wright; Eric Johnson; Fran Huston; Debbie Lerman; Walter Paulson; Nancy Cross; Male Speaker; Mr. Wright; Ray Hartz; Richard Robinson; Male Speaker; Roberta Robinson; and Ms. Tomas; spoke expressing concerns relating to reductions in health services. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Chu, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to the family of Art Octavio, long-time swim coach of the San Francisco Recreation and Park Department Pools and Lowell High School Swim Team, in recognition of his accomplishments and community support.*

## COMMITTEE REPORTS

**091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]**

**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to $100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

*Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091163 [Economic Stimulus Measures for Capital Project Acceleration]**

**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from $100,000 to $400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to $25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from $25,000 to $100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from $3,000,000 to $5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from $200,000 or $400,000 (depending on the program) to $400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

*Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]**
**Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**
Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

*Supervisors Dufty, Mirkarimi, Campos, and Chu requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**
**Sponsors: Chiu; Chu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**
Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth $400,000 or less and to set a goal of not less than 25% of other contracts worth $100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between $5,000,000 and $20,000,000 (6) provide that subcontracting and consulting goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may permit the use of SBA-LBEs or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting and subconsultanting goals are to be exempted from satisfying good faith outreach requirements and (8) total LBE participation on a bid or proposal to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established goals for them.

*Supervisors Dufty, Mirkarimi, and Campos requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]**
**Sponsors: Mayor; Chiu**
Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

*This item was not sent as a Committee Report.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Mr. Wright; expressed various concerns.*
*Richard Robinson; expressed various concerns.*
*Ray Hartz; expressed concerns relating to government.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Chris; expressed concerns relating to the Charter.*
*John DiDonna; expressed concerns relating to handicapped citizens.*
*Male Speaker; expressed various concerns in Spanish and English.*
*Teresa Hart; expressed concerns relating to contractors.*
*Male Speaker; expressed various religious concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Nancy Cross; expressed concerns relating to sleep deprivation.*
*Richard McRee; expressed concerns relating to the Hunter's Point EIR.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100060 [Accept and Expend Grant - HIV Technical Guide - $14,500]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of $14,500 to develop a technical guide for HIV care and prevention programs for men who have sex with men (MSM) and transgendered individuals; for the period of December 15, 2009, through December 31, 2009.

**Resolution No.** 24-10

**ADOPTED**

**100062 [Urging President Obama to Issue an Executive Order Creating a National Ocean Policy]**
**Sponsor: Mirkarimi**
Resolution urging President Obama to issue an Executive Order to create a National Ocean Policy based on the recommendations of the Ocean Policy Task Force.

**Resolution No.** 23-10

**ADOPTED**

**100063** **[Angel Island Immigration Station Day - January 21, 2010]**
**Sponsors: Mar; Avalos, Campos, Chiu and Chu**
Resolution declaring January 21, 2010, as Angel Island Immigration Station Day, and Commemorating the 100th Anniversary of the Immigration Station.

**Resolution No.** 22-10

**ADOPTED**

**100064** **[Bernal Heights Branch Library Re-Opening]**
**Sponsor: Campos**
Resolution recognizing the grand re-opening of the Bernal Heights Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

**Resolution No.** 21-10

**ADOPTED**

**100070** **[Final Map 5582: 1489 – 1495 Valencia Street]**
Motion approving Final Map 5582, a 2 Airspace Subdivision: Parcel "A" being a Mixed Use Condominium Project (6 Residential Units and 1 Commercial Unit) and Parcel "B" being a One Lot Airspace Project, located at 1489 - 1495 Valencia Street being a subdivision of Lot No. 028 in Assessors Block No. 6530 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**Motion No.** M10-17

**APPROVED**

**100071** **[Final Map 4305: 3431 – 3435 Mission Street]**
Motion approving Final Map 4305, a Four Residential Unit and One Commercial Unit Mixed-Use Condominium Project, located at 3431 - 3435 Mission Street being a subdivision of Lot No. 037 in Assessors Block No. 5673 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**Motion No.** M10-18

**APPROVED**

**100072** **[Final Map 4789: 235 Waller Street]**
Motion approving Final Map 4789, a Six Unit Residential Condominium Project, located at 235 Waller Street being a subdivision of Lot No. 035 in Assessors Block No. 0869 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**Motion No.** M10-19

**APPROVED**

**100073 [Final Map 4955: 1250 – 1260 Missouri Street]**
Motion approving Final Map 4955, a 36 Unit Commercial Condominium Project, located at 1250 - 1260 Missouri Street being a merger and resubdivision of Lot Nos. 014, 015, 016 in Assessors Block No. 4287 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**Motion No.** M10-20

**APPROVED**

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote. The motion carried by the following vote:*
*Ayes: 10 – Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*
*Excused: 1 – Alioto-Pier*

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Avalos requested that File No. 100035 be severed so that it may be considered separately.*

**100035 [Committee of the Whole - Health Services Reductions (Beilenson Hearing) January 26, 2010, at 3:00 p.m.]**
**Sponsor: Avalos**
Motion scheduling the Board to sit as a Committee of the Whole to consider health services reductions (Beilenson Hearing), to be held on January 26, 2010, at 3:00 p.m.

**Motion No.** M10-16

*The President inquired as to whether any member of the public wished to address the Board relating to the Board sitting as a Committee of the Whole to address health service reductions referenced in File No. 100036. There were no speakers. The President declared public comment closed.*

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Elsbernd requested that File No. 100061 be severed so that it may be considered separately.*

**100061 [Opposing Shading of Public Parks and Open Space]**
**Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi**
Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

**REFERRED to the Land Use and Economic Development Committee**

*Supervisor Mirkarimi requested that File No. 100084 be severed so that it may be considered separately.*

**100084 [Proclamation of Local Emergency - January 19, 2010]**
**Sponsor: Elsbernd**
Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

*See File No. 100087.*

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

**Motion No.** M10-21

**APPROVED AS AMENDED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*[Serious Injury Finding]*
*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

**100087 [Proclamation of Local Emergency - January 22, 2010]**
**Sponsor: Elsbernd**
Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

*See File No. 100084.*

*The President inquired as to whether any member of the public wished to address the Board relating to the Imperative Item relating to the proclamation of a local emergency as referenced in File No. 100087. Ed Reiskin, Director of the Department of Public Works, and Frank Filice, Public Works Project Manager, provided an overview and responded to questions raised throughout the discussion. Laura Capelli; Josh Berry; Bill McGlocklin; Dean LaTourrette; Male Speaker; and Les Martin; spoke expressing concerns relating to the local emergency and utilization of appropriate materials. There were no other speakers. The President declared public comment closed.*

**Supervisor Mirkarimi, seconded by Supervisor Campos, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

**Motion No.** M10-22

**APPROVED AS AMENDED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## LEGISLATION INTRODUCED AT ROLL CALL

### Ordinances

**100093 [Housing Code – Residential Hotel Notice Posting Requirement]**
**Sponsors: Campos; Chiu**
Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/25/2010.

**100095 [Citywide Coordination of Information and Communications Technology]**
**Sponsor: Chiu**
Ordinance amending Department of Technology and Committee on Information Technology responsibilities, establishing the position and duties of the Chief Information Officer, eliminating the Telecommunications Commission, adding San Francisco Administrative Code Chapter 22A, Sections 22A.1, 22A.2, 22A.3, 22A.4, 22A.5, 22A.6 and 22A.7, and deleting San Francisco Administrative Code Sections 3.24, 3.25, 3.27, 11.85, 11.86,11.87, 11.88 and 11.89 to implement these changes.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/25/2010.

**100099 [Appropriating $1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**
**Sponsor: Mar**
Ordinance appropriating $1,813,616 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010.
(Fiscal Impact.)

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100101 [Appropriating $305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100102 [Requiring the Development and Maintenance of Stormwater Management Controls]**
**Sponsors: Mayor; Maxwell**
Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

01/26/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/25/2010.

**100103 [Prohibition on Tobacco Sales Within 1,000 Feet of a School]**
**Sponsor: Mayor**
Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

**100104 [Retailers' Duty to Disclose Radiation Levels for Cell Phones]**
**Sponsor: Mayor**
Ordinance amending the San Francisco Environment Code by adding Chapter 11, Sections 1100 through 1104, to require retailers to disclose Specific Absorption Rate values for cell phones, and making environmental findings.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

**090228 [Payroll Expense Tax Revision to Encourage Job Retention and Creation in San Francisco]**
**Sponsors: Mayor; Dufty**
Ordinance amending the Payroll Expense Tax Ordinance by adding Section 905 to permit the Payroll Expense Tax owed for the year 2010 to be paid at the lower of the amount owed for 2009 or 2010 and for the year 2011 to be paid at the lowest of the amount owed for 2009, 2010, or 2011, and excluding from the calculation any taxes attributable to payroll expenses for owners or beneficiaries of pass-through entities.
(Fiscal Impact.)

02/24/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to Budget and Finance Committee.

**100046 [Planning Code - Amending Inclusionary Affordable Housing Ordinance]**
**Sponsors: Mayor; Chiu**
Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 315 et seq. (Program) to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 315 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

01/19/10; REFERRED TO DEPARTMENT.

01/20/10; RESPONSE RECEIVED.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to Land Use and Economic Development Committee.

## Resolutions

**100074 [Accept and Expend Grant - PG&E Efficiency Contract - $11,540,000]**
**Sponsor: Mayor**
Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of $11,540,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100096 [Accept and Expend Grant - Light Brown Apple Moth Program - $42,448.60]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Food and Agriculture in the amount of $42,448.60 to fund the Little Brown Apple Moth Program for the period of July 1, 2009, through June 30, 2010.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100097 [Accept and Expend Grant - Ghana's Most-At-Risk Populations Size Estimation - $28,465]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $28,465 from the University of California San Francisco (UCSF), to assist with a project entitled "Ghana's Most-At-Risk Populations Size Estimation" for the period of January 1, 2010, through March 31, 2010.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100098 [Establishment of the Rainbow Honor Walk]**
**Sponsor: Dufty**
Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market street between Castro Street and Noe Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.

01/26/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100100 [Accept and Expend Grant - Department of Juvenile Probation - $150,000]**
**Sponsor: Maxwell**
Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of $150,000 from the The Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

01/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100106 [Supporting the Department of Public Works Accreditation Efforts]**
**Sponsor: Dufty**
Resolution supporting the Department of Public Works' application to the American Public Works Association for accreditation.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100107 [Declaring February 5, 2010, as Joe Illick Day in San Francisco]**
**Sponsor: Dufty**
Resolution declaring February 5, 2010, as Joe Illick Day in San Francisco.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100108 [Commending the Obama Administration for the Granting of Temporary Protected Status to Haitians Living in the United States]**
**Sponsors: Campos; Avalos, Chiu and Mar**
Resolution commending the Obama Administration for granting temporary protected status to Haitians in the United States, and directing the Clerk of the Board to send a letter of support to President Obama, Secretary Napolitano, Speaker Pelosi, Senator Feinstein, and Senator Boxer.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100109 [In Solidarity With the Workers of the Mexican Electricians Union]**
**Sponsors: Avalos; Mar**
Resolution urging President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100110 [Declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco]**
**Sponsors: Dufty; Mar**
Resolution declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100111 [Urging Congress and President Obama to Increase California's Federal Medical Assistance Percentage by Renewing Federal Stimulus Funds]**
**Sponsor: Avalos**
Resolution urging Congress and President Obama to increase California's Federal Medical Assistance Percentage by renewing federal stimulus funds.

01/26/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100061 [Opposing Shading of Public Parks and Open Space]**
**Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi**
Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

01/26/10; REFERRED to Land Use and Economic Development Committee.

**100053 [Accepting a Gift to the Recreation and Park Department of Synthetic Turf Athletic Fields Valued at Approximately $6,000,000 from the City Fields Foundation]**
**Sponsors: Mar; Campos, Chu, Chiu, Elsbernd, Alioto-Pier and Dufty**
Resolution authorizing the Recreation and Park Department to accept a gift of synthetic turf athletic fields at Mission Playground and the Beach Chalet Soccer Fields, valued at approximately $6,000,000 from the City Fields Foundation.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to City Operations and Neighborhood Services Committee.

## Requests for Hearing

**100086 [Public Safety Issues Concerning Chronic Low-Level Crimes and Harassment]**
**Sponsor: Mirkarimi**
Hearing on public safety issues concerning chronic low-level crimes and harassment, including a discussion on the feasibility of a "no sit and/or lie" law, requiring presentations from the San Francisco Police Department, the District Attorney's office, and the Human Services Agency, and requesting a representative from the City Attorney's office to be present.

01/26/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100088 [Police, Sheriff, and Juvenile Probation Departments Budget Balancing Strategies in FY2010-2011]**
**Sponsor: Avalos**
Hearing to consider budget balancing strategies and efficiencies for the Police Department, Sherrif's Department, and the Juvenile Probation Department in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100089 [City Administrator, Department of Public Works, and Recreation and Park Department Budget Balancing Strategies in FY2010-2011]**
**Sponsor: Avalos**
Hearing to consider budget balancing strategies and efficiencies for the City Administrator, Department of Public Works, and the Recreation and Park Department in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100090 [Department of Public Health, Human Services Agency, and Department of Children, Youth and Families Budget Balancing Strategies in FY2010-2011]**
**Sponsor: Avalos**
Hearing to consider budget balancing strategies and efficiencies for the Department of Public Health, Human Services Agency, and the Department of Children, Youth and Families in FY2010-2011.

01/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100091 [Biotech and Life Science Industry in San Francisco]**
**Sponsor: Maxwell**
Hearing on the City's biotech-related programs including business retention and attraction, educational and workforce development efforts, and a discussion of the biotech payroll tax exemption five-year report.

01/26/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100092 [Hunters Point Shipyard and Candlestick Point Development Project]**
**Sponsor: Maxwell**
Hearing on the Hunters Point Shipyard Phase 2 and Candlestick Point Integrated Development Project, including a discussion of the land use and design, housing, community benefits, employment and contracting, open space, sustainability, financing, infrastructure, and transportation components of the plan.

01/26/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## Motions

**100087 [Proclamation of Local Emergency - January 22, 2010]**
**Sponsor: Elsbernd**
Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, effective through February 2, 2010, and in the actions taken to meet the emergency.

01/26/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

01/26/10; APPROVED AS AMENDED.

**100094 [Budget and Legislative Analyst Limited Scope Performance Audit of the San Francisco Municipal Transportation Agency to Determine its Effectiveness]**
**Sponsors: Campos; Mirkarimi and Chiu**
Motion directing the Budget and Legislative Analyst to conduct a limited scope performance audit of the San Francisco Municipal Transportation Agency (SFMTA) to determine if the SFMTA is operating in the most efficient, effective, and economical manner in establishing and collecting revenues and in managing expenditures.

01/26/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Introduced by the President at the Request of Departments**

## PROPOSED ORDINANCES

**100068 [Settlement of Lawsuit - Marjorie Flores - $57,500]**
Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for $57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

**100069 [Settlement of Lawsuit - Yee Mei Hung - $50,000]**
Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for $50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

01/06/10; RECEIVED AND ASSIGNED to Rules Committee.

**100080 [Repealing the Department of Technology Cash Revolving Fund]**
Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

01/13/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/25/2010.

## PROPOSED RESOLUTIONS

**100081 [Lease for Surface Parking Between the Port of San Francisco and Central Parking System, Inc., Located in the Northern Waterfront]**
Resolution approving a Port Commission Lease (Lease No. L-14795) with Central Parking System, Inc., a Tennessee Corporation, for certain real property located at Seawall Lots (SWL) 301 bounded by Taylor Street, Jefferson Street, and Powell Street, and SWL 314 bounded by The Embarcadero and Bay Street, and Kearny Street in the City and County of San Francisco for a term of 3 years. (Port)

01/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Avalos*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft an ordinance to amend our Chapter 6 and Chapter 83 Local Hiring and First Source statues to establish minimum mandatory requirements for hiring San Francisco residents with the following policy goals of:*
*1. Creating jobs for San Francisco residents;*
*2. Combating systemic poverty and supporting community development for our most economically challenged communities; and*
*3. Harnessing environmental benefits of utilizing local workforce and reducing green house gas emission associated with commuting.*

*From: Supervisor Alioto-Pier*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Inquiring of the Department of Public Works the location and type of each wireless service facility in the City and County of San Francisco permitted pursuant to San Francisco Administrative Code Section 11.9(b). Supervisor Alioto-Pier further inquires the location of all pending wireless service facility permits in the City and County of San Francisco pursuant to Administrative Code Sections 11.9(a) & (b).*

*Please provide a list indicating the location of each wireless service facility, including both existing wireless service facilities and those pending approval and a list with the permit number, permit type, address, permit status, expiration date and company name.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: Intersection of Webster & Geary Blvd., Southwest side of the street.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northwest corner Masonic & Haight*
*Northeast corner Stanyan & Waller*
*Southeast corner Broderick & Fell*
*Southwest corner Central & Fulton*
*Southwest corner Steiner & Haight*
*Southwest corner Haight & Fillmore*
*Southeast corner Baker & Fell*
*Northwest corner Grove & Webster*
*By 1213 Fell*

*Bus Shelter*
*Southeast corner Divisadero & Haight*
*Southwest corner Buchanan & Haight*
*Northeast corner Pierce & Hayes*
*Southwest corner Buena Vista East & Haight*
*Northeast corner Haight & Buena Vista East*
*Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes*
*Northeast corner Fell & Divisadero*
*Northwest corner Ashbury & Fell*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Garbage Cans*
*Northwest corner Clayton & Fulton*
*Southeast corner Haight & Buena Vista East*
*Southwest corner Haight & Buchanan*
*Southeast corner Buena Visa West & Haight*
*Across the street from 10 Steiner*
*Northwest corner Haight & Ashbury*

*Mailboxes*
*Northeast corner Buchanan & Haight*
*Northeast corner Cole & Fulton*
*Northwest corner Masonic & Haight*
*Southeast corner Haight & Baker*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*637 Central*
*160 Pierce*
*603 Haight, on side of building*
*533 Haight*
*525 Haight*
*530 Haight*
*399 Haight, on Webster side*
*456 Haight*
*299 Webster*
*253 Webster*
*201 Webster*
*420 Haight*
*509 Haight*
*533 Haight*
*901 Oak*
*189 Page*
*507 Haight*
*262 Divisadero*
*1123 Oak*
*850 Oak*
*350 Fillmore*
*485 Scott*
*501 Divisadero, on Fell Street side*
*833 Cole*
*1658 Haight*
*1560 Haight*
*1529 Haight*
*1369 Haight*
*901 Haight*

719 Haight
428 Haight
295 Buchanan
580 Hayes

From; Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Wood Pole
In front of 833 Cole
Southeast Buchanan & Waller

Metal Poles
Northeast corner Broderick & Haight
Southeast corner Fillmore & Haight
Southeast corner Divisadero & Oak
Southwest corner Fillmore & Haight
Southwest corner Fillmore & Waller

## In Memoriams

James Weatherholt II – Supervisor Mirkarimi
Mary O. Jefferson – Supervisor Mirkarimi
Garland Earp – Supervisor Mirkarimi
Tom Hayes – Entire Board
Emmy H. Altman – Supervisor Dufty
Norm Rolfe – Supervisor Chiu

## ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:33 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 9, 2010.

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, February 2, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Campos, seconded by Supervisor Mar, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## APPROVAL OF MEETING MINUTES

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of January 5, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**091447 [Ordinance Levying Special Taxes Within Special Tax District No. 2009-1 San Francisco Sustainable Financing]**
**Sponsors: Mayor; Mar and Dufty**
Ordinance to authorize and levy special taxes within the City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the special tax rate and amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith.

**Ordinance No.** 16-10

**FINALLY PASSED**

**091464 [Early Implementation of Two-Year Budget and Five-Year Financial Plan Requirements]**
**Sponsors: Mayor; Chiu and Mirkarimi**
Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119.

**Ordinance No.** 21-10

**FINALLY PASSED**

**100022 [Accept and Expend Grant - Reentry Council and Amendment to the Annual Salary Ordinance, FY2009-2010 - $50,000]**
**Sponsor: Maxwell**
Ordinance authorizing the Office of the Public Defender to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation, to support the development of data collection tools and service standards for the new Reentry Council, and amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010), to reflect the addition of temporary salaries to fund one (1) temporary (.50 FTE) grant-funded 8173 Legal Assistant position in the Office of the Public Defender.

**Ordinance No.** 22-10

**FINALLY PASSED**

**100074 [Accept and Expend Grant - PG&E Efficiency Contract - $11,540,000]**
**Sponsor: Mayor**
Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of $11,540,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco.

**Resolution No.** 33-10

**ADOPTED**

## Recommendations of the City Operations and Neighborhood Services Committee

**100011 [Accept and Expend Grant - HIV Prevention Programs - $512,960]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $512,960 from the California Department of Public Health Office of AIDS to assist with a project entitled "HIV Prevention Programs;" for the period of July 1, 2009, through June 30, 2010.

**Resolution No.** 34-10

**ADOPTED**

**100042 [Accept and Expend Grant - Supporting HIV Health Services - $3,533,612]**
**Sponsor: Alioto-Pier**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $3,533,612 from the California Department of Public Health Office of AIDS, to assist with a project entitled "Single Allocation Model" for the period of July 1, 2009, through June 30, 2010.

**Resolution No.** 35-10

**ADOPTED**

## Recommendations of the Land Use and Economic Development Committee

**091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]**
**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**
Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to $100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

**Ordinance No.** 17-10

**FINALLY PASSED**

**091163 [Economic Stimulus Measures for Capital Project Acceleration]**
**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**
Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from $100,000 to $400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to $25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from $25,000 to $100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from $3,000,000 to $5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from $200,000 or $400,000 (depending on the program) to $400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

**Ordinance No.** 19-10

**FINALLY PASSED**

**091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]**
**Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**
Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

**Ordinance No.** 18-10

**FINALLY PASSED**

## Recommendations of the Rules Committee

**091233 [Administrative Code Amendments Related to False Claims]**
**Sponsor: Alioto-Pier**
Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

**Ordinance No.** 23-10

**FINALLY PASSED**

**091381 [Settlement of Lawsuit - Marco Maestrini - $40,000]**
Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for $40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 24-10

**FINALLY PASSED**

**091382 [Settlement of Lawsuit - Ben H. Lyon - $47,500]**
Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for $47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 25-10

**FINALLY PASSED**

**091383 [Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - $158,000]**
Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for $158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 26-10

**FINALLY PASSED**

**091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - $141,692.50]**
Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for $141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

**Ordinance No.** 27-10

**FINALLY PASSED**

**091403 [Inclusion of Textiles in Sweatfree Contracting Ordinance]**
**Sponsors: Campos; Mar**
Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.

**Ordinance No.** 28-10

**FINALLY PASSED**

**091446 [Modifying the Membership of the Food Security Task Force]**
**Sponsor: Maxwell**
Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger and food insecurity in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.

**Ordinance No.** 29-10

**FINALLY PASSED**

**100037 [Appointment, Small Business Commission - Kathleen Dooley]**
Motion appointing Kathleen Dooley, term ending January 6, 2014, to the Small Business Commission. (Clerk of the Board)
Kathleen Dooley, succeeding herself, seat 2, term expired, must be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2014.

**Motion No.** M10-23

**APPROVED**

**100038 [Appointments, San Francisco Health Authority - John Gressman, Tracey Faulkner and Steve Fields]**
Motion appointing John Gressman, Tracey Faulkner and Steve Fields terms ending January 15, 2012, to the San Francisco Health Authority. (Clerk of the Board)
John Gressman, succeeding himself (residency requirement waived), seat 5, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2012.
Tracey Faulkner, succeeding herself, seat 11, must be a nominee of the Health Authority Beneficiary Advisory Committee, at least one of whom shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for the unexpired portion of a three-year term ending January 15, 2012.
Steve Fields, succeeding himself, (residency requirement waived), seat 12, must be a person knowledgeable in matters relating to either traditional safety net providers, health care organizations, the Medi-Cal program, or the activities of the health authority, nominated by the program committee of the health committee, for the unexpired portion of a three-year term ending January 5, 2012.

**Motion No.** M10-24

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the Consent Agenda

*Supervisor Campos requested that File No. 091405 be severed so that it may be considered separately.*

**091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]**
**Sponsors: Chiu; Chu, Maxwell, Mayor, Dufty and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 and 14B.15 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth $400,000 or less and to establish a goal to set aside not less than 25% of other contracts worth $100,000 or less for the Micro-Local Business Enterprise Set Aside Program, but the 25% goal shall become a requirement after 120 days, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between $400,000 and $20 million, except that in the case of contracts $10 million and under, the 2% discount shall not apply if a Small or Micro-LBE would otherwise be the winning bidder or proposer, and (6) provide that subcontracting participation goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may set goals based on the availability of all LBEs and permit contractors to satisfy those goals with SBA-LBEs, in addition to Small and Micro LBEs, or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting participation goals are to be exempt from satisfying good faith outreach requirements, and (8) total LBE participation on a bid or proposal is to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established subcontracting goals for them on the contract.

**Ordinance No.** 20-10

*Supervisor Campos moved to divide the question relating to SBA/LBE Category.*

*Supervisor Avalos, seconded by Supervisor Campos, moved to continue the divided question relating to SBA/LBE Category to February 23, 2010.*

*The motion to continue FAILED by the following vote:*
*Ayes: 3 - Avalos, Campos, Dufty*
*Noes: 7 - Maxwell, Mirkarimi, Chiu, Chu, Daly, Elsbernd, Mar*
*Excused: 1 - Alioto-Pier*

*Supervisor Daly, seconded by Supervisor Campos, moved to continue the divided question relating to SBA/LBE Category to February 9, 2010.*

*The motion to continue FAILED by the following vote:*
*Ayes: 5 - Mirkarimi, Avalos, Campos, Daly, Dufty*
*Noes: 5 - Maxwell, Chiu, Chu, Elsbernd, Mar*
*Excused: 1 - Alioto-Pier*

*The question relating to SBA/LBE Category FINALLY PASSED as divided by the following vote:*
*Ayes: 7 - Maxwell, Mirkarimi, Chiu, Chu, Daly, Elsbernd, Mar*
*Noes: 3 - Avalos, Campos, Dufty*
*Excused: 1 - Alioto-Pier*

**FINALLY PASSED as divided by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Vetoed by the Mayor

**090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

**Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**FINALLY PASSED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

## Recommendation of the Budget and Finance Committee

**100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating $10,193,602 of sources and $4,556,230 of uses and de-appropriating $1,444,829 of sources and $30,908,851 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for Fiscal Year 2009-2010, de-appropriating $1,444,458 of General Fund Reserve, and de-appropriating $35,680,341 of General Fund Unallocated revenues to balance the projected shortfall for FY2009-2010.
(Fiscal Impact.)

**Ordinance No.** 30-10

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Government Audit and Oversight Committee

## Supervisor Chu Excused from Voting

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Chu be excused from voting on File No. 091218. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Chu

**091218 [MOU, Amendment #2 - Local 798, Unit 1]**
**Sponsor: Mayor**
Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 1, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

**Ordinance No.** 31-10

**FINALLY PASSED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 2 - Alioto-Pier, Chu

**091219 [MOU, Amendment #2 - Local 798, Unit 2]**
**Sponsor: Mayor**
Ordinance adopting and implementing Amendment #2 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Firefighters, Local 798, Unit 2, by extending the term of the parties' agreement through June 30, 2012, and by implementing specified terms and conditions of employment for FY's 2009-2010 and 2010-2011.

**Ordinance No.** 32-10

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## Recommendation of the Land Use and Economic Development Committee

**090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**

**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction during the school year where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

**Ordinance No.** 33-10

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Rules Committee

**091402 [Medical Cannabis Task Force]**

**Sponsors: Campos; Mirkarimi, Avalos and Daly**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

**Ordinance No.** 34-10

**FINALLY PASSED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED on Page 8, Line 4, by deleting 2009 and adding January 7, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED to February 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED on Page 12, Line 17, by deleting 2009 and adding January 7, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to February 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - $80,000]**

**Sponsor: Dufty**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## From the Budget and Finance Committee Without Recommendation

**091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.
(Fiscal Impact.)

*Privilege of the floor was granted to Martin Gran (Department of Human Resources) who provided an overview and responded to questions raised throughout the discussion.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the City Operations and Neighborhood Services Committee

**091441 [Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]**
**Sponsor: Elsbernd**
Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to $500 maximum for an infraction and up to $1000 for a misdemeanor.

**Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED on Page 3, Lines 14-15, regarding feeding of certain animals or birds. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Land Use and Economic Development Committee

**091231 [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]**
Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Campos, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*President Chiu introduced, welcomed, and presented a Certificate of Honor to Keisha Nzewi (American Heart Association) and Sara Dorband, a heart disease survivor, in recognition of American Heart Month and for their continued community support.*

# COMMITTEE REPORTS

## Recommendation of the Rules Committee

**091429 [Establishing a Film Commission, its Membership, Qualifications, and Powers]**
**Sponsors: Alioto-Pier; Daly, Campos and Mar**
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

**Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED to February 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Land Use and Economic Development

**100047** **[Planning Code - Interim Controls Related to Affordable Housing Requirements]**
**Sponsors: Mayor; Chiu**
Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Resolution No.** 36-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Richard Robinson; expressed various concerns.*
*Paulette Brown; expressed concerns relating to human services and violence in the community.*
*Male Speaker; expressed various religious concerns.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Abe Johnston; expressed various concerns.*
*Darryl Shultz; expressed concerns relating to local emergency and use of appropriate materials.*
*Christopher Dahl; expressed concerns relating to contractors.*
*Female Speaker; expressed concerns relating to local emergency and use of appropriate materials.*
*Male Speaker; expressed concerns relating to local emergency and use of appropriate materials.*
*Ernie Martin; expressed concerns relating to local emergency and use of appropriate materials.*
*Male Speaker; expressed concerns relating to local emergency and use of appropriate materials.*
*Chuck Perry; expressed concerns relating to local emergency and use of appropriate materials.*
*Dean LaTourrette; expressed concerns relating to local emergency and use of appropriate materials.*
*Laura Capelli; expressed concerns relating to local emergency and use of appropriate materials.*
*Ace Washington; spoke regarding Black History Month.*
*Dennis Rogers; expressed concerns relating to local emergency and use of appropriate materials.*
*Christine Adena; expressed concerns relating to local emergency and use of appropriate materials.*
*Mr. Dufty; expressed various concerns.*
*Edmond Juicy; spoke regarding Black History Month.*
*Emil Lawrence; expressed various concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100106 [Supporting the Department of Public Works Accreditation Efforts]**
**Sponsor: Dufty**
Resolution supporting the Department of Public Works' application to the American Public Works Association for accreditation.

**Resolution No.** 37-10

**ADOPTED**

**100107 [Declaring February 5, 2010, as Joe Illick Day in San Francisco]**
**Sponsor: Dufty**
Resolution declaring February 5, 2010, as Joe Illick Day in San Francisco.

**Resolution No.** 38-10

**ADOPTED**

**100108 [Commending the Obama Administration for the Granting of Temporary Protected Status to Haitians Living in the United States]**
**Sponsors: Campos; Avalos, Chiu and Mar**
Resolution commending the Obama Administration for granting temporary protected status to Haitians in the United States, and directing the Clerk of the Board to send a letter of support to President Obama, Secretary Napolitano, Speaker Pelosi, Senator Feinstein, and Senator Boxer.

**Resolution No.** 39-10

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100110 [Declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco]**
**Sponsors: Dufty; Mar**
Resolution declaring February 1 - 7, 2010, as Larry Brinkin Week in the City and County of San Francisco.

**Resolution No.** 40-10

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100111 [Urging Congress and President Obama to Increase California's Federal Medical Assistance Percentage by Renewing Federal Stimulus Funds]**
**Sponsor: Avalos**
Resolution urging Congress and President Obama to increase California's Federal Medical Assistance Percentage by renewing federal stimulus funds.

**Resolution No.** 41-10

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 100109 be severed so that it may be considered separately.*

**100109 [In Solidarity With the Workers of the Mexican Electricians Union]**
**Sponsors: Avalos; Mar**

Resolution urging President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Elsbernd, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Resolution urging Congress and President Obama to urge President Felipe Calderon and the Mexican Federal Government to immediately re-instate the workers of the Mexican Electricians Union and remove all military and police personnel from the occupied Mexican power plants.

**Resolution No.** 42-10

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*[Serious Injury Finding]*
*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100122 [Concurring in January 19, 2010, Proclamation of Local Emergency]**
**Sponsor: Elsbernd**
Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

**Motion No.** M10-25

*Privilege of the floor was granted to Ed Reiskin, Director of the Department of Public Works, who provided an update of the current situation and responded to questions raised throughout the discussion.*

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100123 [Concurring in January 22, 2010, Proclamation of Local Emergency]**
**Sponsors: Mayor; Elsbernd**
Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

**Motion No.** M10-26

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

### Ordinances

**100134 [Health Service System Plans and Contribution Rates]**
**Sponsor: Elsbernd**
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.
(Fiscal Impact.)

02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100136 [Floodplain Management Program]**
**Sponsor: Elsbernd**
Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

02/02/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/2/2010.

**100142 [Appropriating $2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $2,816,535 of various revenues, including $672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, $1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and $828,704 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010.
(Fiscal Impact.)
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100143 [Public Employment - Human Services Agency]**
**Sponsor: Mayor**
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 43 new positions (18.06 FTEs) at the Human Services Agency.
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Resolutions

**100133 [Loan to the Community Center Project of San Francisco, Inc., at 1800 Market Street - $157,500]**
**Sponsors: Dufty; Campos**
Resolution authorizing the City to make a $157,500 loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, located at 1800 Market Street, and authorizing actions in furtherance of the Resolution.
(Fiscal Impact.)
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100135 [Establishing Monthly Contribution Amount to Health Service Trust Fund]**
**Sponsor: Elsbernd**
Resolution establishing monthly contribution amount to Health Service Trust Fund.
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100137 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - $200,000]**
**Sponsor: Mar**
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of $200,000 for the Urban Forestry Project.
02/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100138 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - $65,000]**
**Sponsor: Mar**
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Education Grant administered by the California Department of Forestry and Fire Protection in the amount of $65,000 for the Urban Forestry Project.
02/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100140 [Department of Public Works to Limit the Scope of Revetment Work at Ocean Beach and Urging the Re-Establishment of a Long-Term Planning Process for Ocean Beach Erosion]**
**Sponsor: Mirkarimi**
Resolution directing the Department of Public Works to limit the scope of revetment work at Ocean Beach south of Sloat Boulevard and analyze the feasibility of repurposing existing concrete and rock revetment, and urging the re-establishment of a long-term planning process for addressing erosion Ocean Beach that includes removing any new rock revetment when it is safe to do so.
02/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100141 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District]**
**Sponsors: Mayor; Dufty, Chiu and Mar**
Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2010-2011 school year.
(Fiscal Impact.)
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests for Hearing

**100124 [Municipal Transportation Agency's Budget for FY2010-2011 and FY2011-2012]**
**Sponsor: Avalos**
Hearing to consider the Municipal Transportation Agency's proposed two-year budget for FY2010-2011 and FY2011-2012.
02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100130 [San Francisco Unified School District's Bayview Empowerment Project]**
**Sponsor: Dufty**
Hearing on the San Francisco Unified School District's Bayview Empowerment Project to promote schools, City, and community collaboration to support success of students and schools in the Bayview Community.
02/02/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

**100129 [Truancy Initiatives by the San Francisco Unified School District and the City and County of San Francisco]**
**Sponsor: Dufty**
Hearing to consider progress and future direction of Truancy initiatives by the San Francisco Unified School District and the City and County of San Francisco, including the new Truancy Assessment and Referral Center, Bayview CARES Center, and other efforts by the Mayor, Disrict Attorney, and other departments.

02/02/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

**100128 [Students Served by Multiple Systems Within San Francisco Unified School District]**
**Sponsor: Dufty**
Hearing to consider how we are addressing the needs of students who are being served by multiple systems within San Francisco Unified School District and the City and County of San Francisco, among others.

02/02/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

**100127 [Mobile Food Vendors Regulations]**
**Sponsor: Dufty**
Hearing on the existing and desired procedures and regulations related to the operation of mobile food vehicles and pushcarts.

02/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100126 [City Services Performance Reports]**
**Sponsor: Chu**
Hearing to consider reports on the performance of City Services, including the bi-monthly Government Barometer Report to understand key activity and performance measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service.

02/02/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100125 [Controller's FY2009-2010 Six-Month Report]**
**Sponsor: Avalos**
Hearing to consider the Controller's Six-month report for FY2009-2010.

02/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100146 [Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000]**
Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000. (Clerk of the Board)

02/02/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

## Motions

**100119 [Committee of the Whole - Redevelopment Agency Disposition and Development Agreement]**
**Sponsor: Mirkarimi**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2010, for the purpose of considering a resolution approving a disposition and development agreement for a vacant parcel at 1345 Turk Street.

02/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100122 [Concurring in January 19, 2010, Proclamation of Local Emergency]**
**Sponsor: Elsbernd**
Motion concurring in the Mayor's January 19, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

02/02/10; APPROVED.

**100123 [Concurring in January 22, 2010, Proclamation of Local Emergency]**
**Sponsors: Mayor; Elsbernd**
Motion concurring in the Mayor's January 22, 2010, Proclamation of Local Emergency, and in the actions taken to meet the emergency.

02/02/10; APPROVED.

**100131 [Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

02/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100132 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

02/02/10; ASSIGNED to Board of Supervisors.

**100139 [Budget and Legislative Analyst Audit of the Alemany Farmers' Market]**
**Sponsor: Maxwell**
Motion directing the Budget and Legislative Analyst to conduct an audit of the Alemany Farmers' Market and the Real Estate Department in its capacity as operator of the market.
02/02/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100145 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1969 California Street]**
Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)
02/02/10; REFERRED to Board of Supervisors.

## Introduced by the President at the Request of Department

## PROPOSED RESOLUTION

**100085 [Settlement of Unlitigated Claim - Patricia Geary - $80,000]**
Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for $80,000; claim was filed on September 16, 2009. (City Attorney)
01/21/10; RECEIVED AND ASSIGNED to Rules Committee.

## Requests Granted

*From: Supervisor Campos*
*To: Director, Recreation and Park Department (RPD)*
*Requesting/Inquiring: Garfield is one of the most used pools. Garfield pool is essential to district health especially among certain demographic groups. It is crucial for the children of the Mission (and students who come with the school program) to have Garfield to learn to swim, fight diabetes and childhood obesity, etc.*

*A significant number of my constituents have expressed frustration with respect to RPD's approach to work on Garfield pool, as well as disparities between access to pools depending on district. In light of this, please respond to the following queries:*
*- Usually, the pools are closed for 2-5 weeks a year for maintenance. We have been told that there was no significant maintenance for Garfield this year. Is this the case?*
*- This year, we were assured by Aquatics and RPD that there was money budgeted for repairs and it would reopen Feb. 1 at the latest. What became of the aforementioned money? A line item accounting of where said money was and has gone would be appreciated.*
*- Last week, we heard that there were more serious repairs – the shell of the pool needs to be relined or repainted. The pool was closed in Oct. and we have been told that no significant work has been done since then. Why?*
*- There's the issue of overhead lights not working. We've been told that RPD has known about this issue for at least a year. Have lights been ordered? Were estimates made for the inside roof work? How does RPD plan to deal with these issues and in what timeframe?*
*- RPD manages nine pools; is the cost of resurfacing not already a known quantity? Constituents have conveyed that it is common knowledge amongst users and staff that Garfield pool needed to be resurfaced. Is that the case? If so, does the resurfacing constitute a newly realized expense? Was no work performed at Garfield for more than 2 months? Has RPD been planning to close the pool for some time?*
*- If running the pools is a money loser, why not cut back equally at all the pools, rather than eliminate all swimming for an entire neighborhood? Perhaps there is a need for a citywide pool hours equity plan; RPD's thoughts on this matter are welcomed. All of the pools are important city resources, Garfield is no different.*
*Your prompt response on this important matter is very much appreciated.*
*Thank You.*

*From: Supervisors Maxwell and Dufty*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft legislation to:*
*1. Modify Administrative Code Chapter 6.68 to allow, for the Bayview Library Project, "Cost-and-Quality" based selection in an Integrated Project Delivery approach, similar to that which already exists for "Design-Build" elsewhere in the code.*
*2. Authorize the contracting authority to limit the solicitation to firms legally based in the zip code in which the project is located.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Utility Boxes*
*Northeast corner Fell & Stanyan*
*Southwest corner Sutter & Fillmore*
*Southeast corner Baker & Fell*
*Southeast corner Bush & Fillmore*
*Southwest corner Post & Fillmore*

*Garbage Cans*
*Northwest corner Parnassus & Stanyan*
*Northwest corner Haight & Fillmore*

*Bus Shelters*
*Southeast corner Sutter & Scott*
*Southeast corner McAllister & Fillmore*
*In front of 500 Fillmore*
*Haight & Fillmore, all four bus shelters graffiti & grime*

*Mailboxes*
*Southwest corner Masonic & Haight*
*Northeast corner Laguna & McAllister*
*Northeast corner Fell & Buchanan*

*Emergency Boxes*
*Northeast corner Pierce & Turk*

*Wood Poles*
*3 poles on Linden Alley, between Octavia & Gough*

*Metal Poles*
*Southeast corner California & Divisadero*
*Southeast corner Laguna & Fulton*
*Northwest corner Fillmore & Haight, near the bus shelter on the Fillmore side*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*2402 California*
*1615 Broderick*
*299 Webster*
*350 Laguna*
*501 Divisadero, on the Fell Street side*
*1646 Haight*
*619 Webster*
*745 Buchanan, on the sides of the building, Grove and the alley*
*322 Fillmore*
*501 Fillmore*
*350 Laguna*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore & Post*
*Southwest corner of Divisadero & Sutter*
*9th Avenue & Judah (near bus stops)*
*7th Avenue & Irving (near bus stops)*
*Northwest corner of Hayes & Fillmore*
*Southeast corner of Fillmore & Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*
*Irving & 9th Avenue*
*Irving & 7th Avenue*
*Southwest corner of Haight & Clayton*
*Southeast corner of Haight & Masonic*

*Examiner*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*

*SF Daily*
*Northwest corner of Hayes & Gough*

*City Star*
*Northwest corner of Hayes & Gough*
*Southeast corner of Fillmore & Haight*

*SF Weekly*
*Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: On Fillmore, between McAllister & Eddy.*

## In Memoriams

*J.D. Salinger – Supervisor Mirkarimi*
*Howard Zinn – Supervisor Mirkarimi*
*Rick Fragulia – Supervisor Dufty*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:17 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 9, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, February 9, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Members Present:** David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, Supervisors Alioto-Pier and Avalos were noted absent. There was a quorum.*

### Supervisors Alioto-Pier and Avalos Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisors Alioto-Pier and Avalos be excused from voting. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Mar, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of January 12, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Mayor communicating the Mayor's Veto of legislation contained in File No. 091015 which would require elected officials to reimburse the City for dignitary security provided during campaign-related travel. Direction was given to the Clerk of the Board to agendize this matter at the Regular Meeting of February 23, 2010.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - $80,000]**
**Sponsor: Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**Ordinance No.** 39-10

**FINALLY PASSED**

**100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three-Year Program and Expenditure Plan]**
Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three-Year Program and Expenditure Plan and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

**Resolution No.** 43-10

**ADOPTED**

## Recommendation of the Land Use and Economic Development Committee

**091231 [Authorizing the Municipal Transportation Agency to Implement On-Street Parking Meter and Parking Control Pilot Projects]**
Ordinance authorizing the Municipal Transportation Agency to implement and extend SFpark parking meter and parking control pilot projects. (Municipal Transportation Agency)

**Ordinance No.** 35-10

**FINALLY PASSED**

## Recommendation of the Public Safety Committee

**100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]**

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

**Resolution No.** 44-10

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Board

**100145 [Adopting Findings Related to the Conditional Use Appeal on Property Located at 1969 California Street]**

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

**Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**Motion No.** M10-27

**APPROVED AS AMENDED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**
**Sponsors: Avalos; Campos, Mirkarimi and Mar**
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## From the Budget and Finance Committee Without Recommendation

**091454 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12A]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012.
(Fiscal Impact.)

**Ordinance No.** 36-10

**FINALLY PASSED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091455 [MOU - San Francisco Deputy Sheriffs' Association - Unit 12B]**
**Sponsor: Mayor**
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association for Unit 12B, to be effective July 1, 2009, through June 30, 2012.

**Ordinance No.** 37-10

**FINALLY PASSED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## Recommendation of the City Operations and Neighborhood Services Committee

**091441 [Recreation and Park Department - Animal Protections; Increasing Penalties for Park Code Violations]**
**Sponsors: Elsbernd; Dufty**
Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to $500 maximum for an infraction and up to $1000 for a misdemeanor.

**Ordinance No.** 38-10

*Supervisor Dufty requested to be added as a co-sponsor.*

**FINALLY PASSED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## Recommendation of the Rules Committee

**091429 [Establishing a Film Commission, its Membership, Qualifications, and Powers]**
**Sponsors: Alioto-Pier; Daly, Campos and Mar**
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Filrn Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

**ORDERED SUBMITTED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## Board of Supervisors Sitting as a Committee of the Whole

**100146 [Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000]**
Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - $652,070,000. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to Earthquake Safety and Emergency Response General Obligation Bonds referenced in File Nos. 091457 and 091458. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

## Recommendations of the Budget and Finance Committee

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

*Privilege of the floor was granted to Ed Reiskin, Director of Public Works, who provided an overview and responded to questions raised throughout the discussion.*

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $412,300,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED AS AMENDED AS A COMMITTEE OF THE WHOLE to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $652,070,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building and a Forensic Sciences Center, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefore by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

**Supervisor Chiu, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

(Fiscal Impact.)

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Noes: 1 - Daly

Excused: 2 - Alioto-Pier, Avalos

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]**

**Sponsor: Mayor**

Ordinance approving the City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)
(Supervisor Mirkarimi dissented in Committee.)

**Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**100025 [Bond Sale of Clean and Safe Neighborhood Parks General Obligation Bonds - Not to Exceed $65,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed $65,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010B, and City and County of San Francisco General Obligation Bonds (Clean and Safe Neighborhood Parks Bonds, 2008), Series 2010D (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to city officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.
(Fiscal Impact.)

**Resolution No.** 45-10

**ADOPTED by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 2 - Alioto-Pier, Avalos

**100024 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not to Exceed $305,000,000]**

**Sponsor: Mayor**

Resolution authorizing and directing the sale of not to exceed $305,000,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010A, and City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2010C (Federally Taxable Build America Bonds); prescribing the form and terms of said bonds; authorizing the execution, authentication, and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; providing for the manner of sale of said bonds by competitive sale; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form of the preliminary official statement and the form and execution of the official statement relating to the sale of said bonds; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of said bonds.

**Resolution No.** 46-10

**ADOPTED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**100101 [Appropriating $305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating $305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Maxwell, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

*Supervisor Maxwell introduced, welcomed, and presented a Certificate of Honor to the California Lawyers for the Arts in recognition of their accomplishments and continued community support.*

# COMMITTEE REPORTS

## Recommendation of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

**PASSED ON FIRST READING by the following vote:**

Ayes: 7 - Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 2 - Alioto-Pier, Avalos

## Recommendations of the Rules Committee

**091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**
**Sponsor: Avalos**
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

**Supervisor Campos, seconded by Supervisor Daly, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**
**Sponsor: Avalos**
Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

**Supervisor Campos, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED AS A COMMITTEE OF THE WHOLE to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

**091433 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers"' contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

*See File Nos. 100156 and 100157.*

**Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be DUPLICATED. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

**Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

**100156 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Mar; Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

**Supervisor Mar, seconded by Supervisor Campos, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

*Supervisor Elsbernd divided the charter amendment relating to language regarding 7.5% for 7%. See File No. 100157.*

**100156 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Mar; Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for firefighters, police officers and deputy sheriffs; (2) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (3) require the difference between the City and County's contribution to the SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (4) require the difference between the "Participating Employers"' contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (5) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the CalPERS; (6) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (7) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (8) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (9) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

**Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED AS AMENDED AND DIVIDED AS A COMMITTEE OF THE WHOLE to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

**100157 [Payment for Employee Retirement Contributions]**

**Sponsors: Mar; Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) A8.409-5, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for certain employees; (2) authorize the City and County to offer a one-time seven percent (7%) wage increase to certain employees as acknowledgement that the City and County will no longer pay the required seven and one-half percent (7.5%) employee contribution to SFERS or the required employee contribution to CalPERS afforded in their most recent collectively bargained agreement, provided that no such increase shall become effective before July 1, 2011; and (3) require voter approval before the City and County can pay, for up to a two-year period, required employee contributions to SFERS or CalPERS after June 8, 2010.

**Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Charter Amendment be CONTINUED AS DIVIDED AS A COMMITTEE OF THE WHOLE to February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 2 - Alioto-Pier, Avalos

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Richard Robinson; expressed various concerns.*
*Miss Daisy, expressed concerns relating to current layoffs.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Christopher Dahl; expressed various concerns.*
*Joya Castaneda; expressed concerns relating to undocumented youth.*
*Richard McRee; expressed various concerns.*
*Male Speaker, expressed various concerns.*
*Scott Kyper; expressed concerns relating to public safety.*
*Male Speaker; expressed various religious concerns.*
*Edmond Juicy; expressed various concerns.*

## CLOSED SESSION

**100132 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

**Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

*The Board recessed at the hour of 2:54 p.m. to convene in closed session pursuant to the above motion.*

*The following Supervisors were noted present:*
*Supervisors Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*

*Persons in attendance:*
*Cheryl Adams, Deputy City Attorney*
*Martin Gran, Director of Employee Relations*
*Mary Hao, Department of Human Resources*
*Ben Rosenfield, Controller*
*Angela Calvillo, Clerk of the Board*
*Rick Caldeira, Legislative Deputy Director*

*The Board reconvened at the hour of 3:16 p.m.*

*The following Supervisors were noted present:*
*Supervisors Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi*

*Matter was heard in Closed Session and Filed.*

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*Supervisor Dufty was noted absent at 4:24 p.m.*

**100119 [Committee of the Whole - Redevelopment Agency Disposition and Development Agreement]**
**Sponsor: Mirkarimi**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2010, for the purpose of considering a resolution approving a disposition and development agreement for a vacant parcel at 1345 Turk Street.

**Motion No.** M10-29

**APPROVED by the following vote:**

Ayes: 8 - Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos
Absent: 1 - Dufty

*Supervisor Dufty was noted present at 4:26 p.m.*

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 100131 be severed so that it may be considered separately.*

**100131 [Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on February 9, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

**Motion No.** M10-28

*The President inquired as to whether any member of the public wished to address the Board relating to the Board convening in closed session concerning negotiations with labor unions representing City workers referenced in File No. 100131. There were no speakers. The President declared public comment closed.*

**APPROVED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Avalos

# IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

## Ordinances

**100160 [Appropriating $400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]**
**Sponsor: Maxwell**
Ordinance appropriating $400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

02/09/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100161 [Adopting Implementation Plan for CleanPowerSF]**
**Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly**
Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

02/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090228 [Payroll Expense Tax Revision to Encourage Job Retention and Creation in San Francisco]**
**Sponsors: Mayor; Dufty**
Ordinance amending the Payroll Expense Tax Ordinance by adding Section 905 to permit the Payroll Expense Tax owed for 2010 to be paid at the lower of the amount owed for 2009 or 2010 and for 2011 to be paid at the lowest of the amount owed for 2009, 2010, or 2011.
(Fiscal Impact; Economic Impact.)

02/24/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/26/2009.

01/26/10; SUBSTITUTED.

01/26/10; ASSIGNED to Budget and Finance Committee.

02/09/10; SUBSTITUTED.

02/09/10; ASSIGNED to Budget and Finance Committee.

## Resolutions

**100121 [Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]**
**Sponsors: Mirkarimi; Mar**
Resolution approving the Redevelopment Agency of the City and County of San Francisco's Disposition and Development Agreement for Assessor's Block No. 0756, Lot No. 017, commonly known as 1345 Turk Street, to sell the Site to MSPDI Turk, LLC, a California limited liability company, for the development of 32 affordable for sale housing units for low- and moderate-income households.

02/09/10; ASSIGNED to Board of Supervisors.

**100163 [American Red Cross Month - March 2010]**
**Sponsors: Dufty; Campos**
Resolution declaring March 2010 as American Red Cross Month.

02/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100165 [Endorsing Rally for California's Future - March 4, 2010]**
**Sponsors: Mar; Campos**
Resolution endorsing Rally for Califronia's Future, a statewide day of action in support of education and public sector services on March 4, 2010.

02/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**100120 [Committee of the Whole - Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]**
**Sponsors: Mirkarimi; Mar**
Hearing to consider the Proposed Disposition and Development Agreement between the Redevelopment Agency of the City and County of San Francisco and MSPDI, Turk LLC., for the disposition of land at 1345 Turk Street, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

02/09/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**100158 [Implementation of Ordinance No. 228-09 - Confidentiality of Juveniles' Immigration Status]**
**Sponsor: Campos**
Hearing on the Juvenile Probation Department's status regarding the implementation of Ordinance No. 228-09 on the Confidentiality of Juveniles' Immigration Status, which the Board of Supervisors passed on November 10, 2009.

02/09/10; RECEIVED AND ASSIGNED to Rules Committee.

**100159 [San Francisco's New Day for Learning Initiative]**
**Sponsor: Dufty**
Hearing to consider the San Francisco's New Day for Learning Initiative and its collaboration among the San Francisco Unified School District; City and County of San Francisco, especially the Department of Children, Youth and Their Families, and the San Francisco School Alliance.

02/09/10; RECEIVED AND ASSIGNED to City and School District Select Committee.

**100162 [Department of Emergency Management and Fire Department Budget Balancing Strategies in FY2010-2011]**
**Sponsor: Avalos**
Hearing to consider budget balancing strategies and efficiencies for the Department of Emergency Management and the Fire Department in FY2010-2011.

02/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Motions

**100148 [Setting the Budget and Legislative Analyst Services Work Plan for 2010]**
**Sponsor: Mar**
Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2010, (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours based on Board of Supervisors service needs, and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2010 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

02/09/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100164 [Extending the Joint City and School District Committee]**
**Sponsors: Dufty; Campos**
Motion amending the Board of Supervisors' Rules of Order No. 5.7 to extend the term of the Joint City and School District Select Committee through March 1, 2011.

02/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at Request of Departments

## PROPOSED ORDINANCES

**100112 [Dispatch Services in the Program for Additional Police Department Services]**
Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4 and 10B.5 including dispatch services provided by the Department of Emergency Management in the program for additional Police Department services. (Department of Emergency Management)

01/29/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100113 [Private Ambulance Regulatory Fee Payments]**
**Sponsor: Avalos**
Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

01/29/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100118 [Settlement of Claim - Elisa Gill - $50,000]**
Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for $50,000. (City Attorney)

02/01/10; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTION

**100105 [Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health - $16,570,000]**
Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013, in the amount of $16,570,000. (Public Health Department)
(Fiscal Impact.)

01/27/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*48 Haight*
*124 Haight*
*173 Haight*
*55 Laguna (UC Campus, on the Haight and Buchanan side)*
*298 Buchanan*
*569 Hayes*
*979 Oak*
*928 Oak*
*901 Oak*
*200 Webster, on the Haight side*
*533 Haight*
*456 Haight*
*425 Haight*
*520 Steiner*
*160 Pierce*
*333 Haight*
*398 Haight*
*428 Haight*
*546 Haight*
*588 Haight*
*609 Haight*
*615 Haight*
*645 Haight*
*707 Haight*
*739 Haight*
*747 Haight*
*715 Haight*
*611 Haight*
*599 Haight*
*533 Haight*
*767 Haight*
*777 Haight*
*791 Haight*
*839 Haight*
*863 Haight*
*959 Haight*
*1035 Haight*
*1158 Haight*
*1304 Haight*
*1324 Haight*
*1340 Haight*
*1350 Haight*
*1374 Haight*
*1426 Haight*
*1427 Haight*
*1441 Haight*
*1465 Haight*
*1468 Haight*

1480 Haight
1515 Haight
1529 Haight
1556 Haight
1564 Haight
1601 Haight
1605 Haight
1609 Haight
1650 Haight
1659 Haight
1673 Haight
1699 Haight
1708 Haight
1742 Haight
1773 Haight
1782 Haight
1787 Haight
1793 Haight
1818 Haight
1825 Haight
1855 Haight
400 Duboce, on the Fillmore and Church side

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Utility Boxes
Northeast corner Buchanan & Haight
Southwest corner Steiner & Haight
Southeast corner Stanyan & Hayes
Northeast corner Laguna & Oak
In front of 1213 Fell
Northwest corner Duboce & Church

Garbage Cans
Northwest corner Parnassus & Stanyan
Northwest corner Haight & Fillmore

Bus Shelters
Southeast corner Sutter & Scott
Southeast corner McAllister & Fillmore
In front of 500 Fillmore
Haight & Fillmore, all four bus shelters graffiti & grime

Mailboxes
Northeast corner Laguna & McAllister

Emergency Boxes
Northeast corner Oak & Scott
Northwest corner Page & Steiner
Northwest corner Fell & Fillmore

Metal Poles
In front of 1969 Sutter
Southeast corner Golden Gate & Webster

*Southeast corner Pierce & Haight*
*In front of 332 Haight*
*In front of 1375 Haight*

*Garbage Cans*
*Northeast corner Fulton & Webster*
*Southeast corner Haight & Fillmore*
*Southwest corner Haight & Baker*

*Bus Shelters*
*Southwest corner Pierce & Haight*
*Southwest corner Buchanan & Haight*
*Northeast corner Buena Vista East & Haight*
*Southwest corner Masonic & Haight*
*Southwest corner Masonic & Oak*

**In Memoriams**

*Benjamin Gardiner – Supervisor Dufty*
*Francis Thomas Ahern – Supervisor Dufty*
*Joseph Mercer Cherney – Supervisor Dufty*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:27 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 9, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, February 23, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:13 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

*President, David Chiu, indicated the Mayor would not make an appearance before the Board of Supervisors.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**100101 [Appropriating $305,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $305,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the second issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for FY2009-2010.
(Fiscal Impact.)

**Ordinance No.** 41-10

**FINALLY PASSED**

**100066 [Accept and Expend Grant - Transportation Development Act, Article 3 - $1,089,413]**
**Sponsors: Mayor; Chiu and Dufty**
Resolution authorizing the San Francisco Municipal Transportation Agency to accept and expend a grant in the amount of $1,089,413 from the Metropolitan Transportation Commission for various bicycle projects in the City and County of San Francisco in FY2009-2010.

**Resolution No.** 48-10

**ADOPTED**

## Recommendations of the City Operations and Neighborhood Services Committee

**100096 [Accept and Expend Grant - Light Brown Apple Moth Program - $42,448.60]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the California Department of Food and Agriculture in the amount of $42,448.60 to fund the Little Brown Apple Moth Program for the period of July 1, 2009, through June 30, 2010.

**Resolution No.** 49-10

**ADOPTED**

**100097 [Accept and Expend Grant - Ghana's Most-At-Risk Populations Size Estimation - $28,465]**

**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $28,465 from the University of California San Francisco (UCSF), to assist with a project entitled "Ghana's Most-At-Risk Populations Size Estimation" for the period of January 1, 2010, through March 31, 2010.

**Resolution No.** 50-10

**ADOPTED**

## Recommendation of the Land Use and Economic Development Committee

**091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel No. 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

**Resolution No.** 51-10

**ADOPTED**

## Recommendation of the Rules Committee

**100115 [Appointments, Citizen's Committee on Community Development - Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre]**

Motion appointing Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre, terms to be determined, to the Citizen's Committee on Community Development. (Clerk of the Board)
Charlie Sciammas, seat 1, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.
Rene Cazenave, seat 2, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.
Joshua Arce, seat 3, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.
Gaylen Mohre, seat 4, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.

**Motion No.** M10-30

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Vetoed by the Mayor

**091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**
**Sponsors: Mirkarimi; Campos, Avalos and Daly**
Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

**FINALLY PASSED OVER THE MAYOR'S VETO. The motion FAILED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

### From the Board

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**
**Sponsors: Avalos; Campos, Mirkarimi and Mar**
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FIRST READING to March 2, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Budget and Finance Committee

**091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]**

**Sponsor: Mayor**

Ordinance approving the City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

(Supervisor Mirkarimi dissented in Committee.)

**Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## Recommendation of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**
**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

**Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 9, 2010. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## Board of Supervisors Sitting as a Committee of the Whole

**100173 [Committee of the Whole - Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000]**

Hearing of persons interested in or objecting to proposed Resolution and proposed Ordinance relating to the Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000.

*The President inquired as to whether any member of the public wished to address the Board relating Earthquake Safety and Emergency Response General Obligation Bonds referenced in File Nos. 091457 and 091458. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

## Recommendations of the Budget and Finance Committee

*Privilege of the floor was granted to Starr Terrell, the Mayor's Liaison to the Board of Supervisors, Edwin Lee, City Administrator, Joanne Hayes-White, Fire Chief, Charles Higueras, Project Manager, Ben Rosenfield, Controller, and Brian Strong, Capital Planning Program Coordinator, who provided an overview of File Nos. 091457 and 091458 and responded to questions raised throughout the discussion.*

**091457 [Earthquake Safety and Emergency Response General Obligation Bonds - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Resolution determining and declaring that the public interest and necessity demand the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, and a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of $412,300,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.
(Fiscal Impact.)

**Resolution No.** 47-10

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

**091458 [Earthquake Safety and Emergency Response General Obligation Bond Election - $412,300,000]**

**Sponsors: Mayor; Chiu, Avalos, Campos, Dufty, Mirkarimi, Mar and Maxwell**

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $412,300,000 to finance the construction, acquisition, improvement, and retrofitting of Neighborhood Fire and Police Stations, the Auxiliary Water Supply System, a Public Safety Building, and other critical infrastructure and facilities for earthquake safety and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act (CEQA) and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Sections 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code.

**Ordinance No.** 40-10

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

## Board of Supervisors Sitting as a Committee of the Whole

**100171 [Committee of the Whole - Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**

Hearing of persons interested in or objecting to proposed Charter Amendment relating to the mandated reduction of expenditures to programs for City services, designated by the Board of Supervisors (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating Mandated Reductions of Expenditures to Programs for City Services referenced in File No. 091430. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

### Recommendation of the Rules Committee

**091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]**
**Sponsor: Avalos**
Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Board of Supervisors Sitting as a Committee of the Whole

**100172 [Committee of the Whole - Reducing Employer Retirement Benefit Costs and Payment for Employee Retirement Contributions]**
Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs and payment for employee retirement contributions. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating Reducing Employer Retirement Benefit Costs and Payment for Employee Retirement Contributions referenced in File Nos. 091433, 100156, and 100157. Bob Muskat (Labor Council) spoke expressing concerns relating savings to City. Paul Solesco (Labor Council) spoke relating to work within committee. Robert Halland (SEIU) spoke expressing various concerns. Jean Thomas spoke expressing concerns relating to one time raise option. Sally (SEIU) spoke expressing concerns relating to current give-backs. Brenda Barros spoke in support of two-year option. Richard Robinson spoke expressing various concerns. Louise Von spoke expressing various concerns. Female Speaker spoke expressing concerns relating to current give-backs and reductions. Male Speaker spoke expressing concerns relating to janitor wages. Walter Paulson shared in song certain concerns relating to retirement benefits. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

## Recommendations of the Rules Committee

**091433 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

**Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Charter Amendment be CONTINUED to March 2, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100156 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Mar; Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for firefighters, police officers and deputy sheriffs; (2) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (3) require the difference between the City and County's contribution to the SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (4) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (5) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the CalPERS; (6) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (7) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (8) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (9) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

**Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Charter Amendment be CONTINUED AS AMENDED AS A COMMITTEE OF THE WHOLE to March 2, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100157 [Payment for Employee Retirement Contributions]**

**Sponsors: Mar; Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) A8.409-5, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System (SFERS) or the California Public Employees' Retirement System (CalPERS) after June 8, 2010, for certain employees; (2) authorize the City and County to offer a one-time seven percent (7%) wage increase to certain employees as acknowledgement that the City and County will no longer pay the required seven and one-half percent (7.5%) employee contribution to SFERS or the required employee contribution to CalPERS afforded in their most recent collectively bargained agreement, provided that no such increase shall become effective before July 1, 2011; and (3) require voter approval before the City and County can pay, for up to a two-year period, required employee contributions to SFERS or CalPERS after June 8, 2010.

**Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**100052 [Appropriating $410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]**
**Sponsor: Elsbernd**
Ordinance appropriating $410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.
(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100142 [Appropriating $2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**
**Sponsors: Mayor; Dufty**
Ordinance appropriating $2,816,535 of various revenues, including $672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, $1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and $828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing $284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100143 [Public Employment - Human Services Agency]**
**Sponsor: Mayor**
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100161 [Adopting Implementation Plan for CleanPowerSF]**

**Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly**

Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091287 [Tenderloin Housing Clinic Contract Approval - $82,286,121]**

Resolution approving, retroactively, the contract between the City and County of San Francisco and the Tenderloin Housing Clinic to provide master-leased housing for formerly homeless single adults to the Human Services Agency for the period of January 1, 2010, to June 30, 2015, in the amount of $82,286,121. (Human Services Department)

**Resolution No.** 52-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100081 [Lease for Surface Parking Between the Port of San Francisco and Central Parking System, Inc., Located in the Northern Waterfront]**

Resolution approving a Port Commission Lease (Lease No. L-14795) with Central Parking System, Inc., a Tennessee Corporation, for certain real property located at Seawall Lots (SWL) 301 bounded by Taylor Street, Jefferson Street, and Powell Street, and SWL 314 bounded by The Embarcadero and Bay Street, and Kearny Street in the City and County of San Francisco for a term of 3 years. (Port)

**Resolution No.** 53-10

*Privilege of the floor was granted to Jeff Bauer and Monique Moyer (Port) who provided an overview and responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos
Excused: 1 - Alioto-Pier

## Recommendations of the Government Audit and Oversight Committee

**100148 [Setting the Budget and Legislative Analyst Services Work Plan for 2010]**
**Sponsor: Mar**

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2010, (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours based on Board of Supervisors service needs, and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2010 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

**Motion No.** M10-31

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Privilege of the floor was granted to Harvey Rose and Severin Campbell (Budget and Legislative Analyst) who provided an overview of File Nos. 100057 and 100094 and responded to questions raised throughout the discussion.*

**100057 [Budget and Legislative Analyst Audit of the City's General Fund Revenues]**
**Sponsor: Mirkarimi**

Motion requesting the Budget and Legislative Analyst to: (1) conduct an audit of the City and County of San Francisco's existing lease, fee, and other General Fund revenues generated by City department activities and of the City's collection of General Fund revenues; and (2) identify new General Fund revenues, enhancement of existing General Fund revenues, and improved collection of General Fund revenues.

**Motion No.** M10-32

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

**100094 [Budget and Legislative Analyst Limited Scope Performance Audit of the San Francisco Municipal Transportation Agency to Determine its Effectiveness]**
**Sponsors: Campos; Mirkarimi and Chiu**

Motion directing the Budget and Legislative Analyst to conduct a limited scope performance audit of the San Francisco Municipal Transportation Agency (SFMTA) to determine if the SFMTA is operating in the most efficient, effective, and economical manner in establishing and collecting revenues and in managing expenditures.

**Motion No.** M10-33

*Supervisor Chiu requested to be added as a co-sponsor.*

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Land Use and Economic Development Committee

**091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]**
**Sponsors: Mar; Maxwell**
Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**
**Sponsor: Dufty**
Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100010 [Local Streets and Roads Needs Assessment]**
**Sponsors: Dufty; Chiu**
Resolution supporting the findings of the California Statewide Local Streets and Roads Needs Assessment.

**Resolution No.** 54-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Rules Committee

## Supervisor Daly Excused from Voting

**Supervisor Mar, seconded by Supervisor Avalos, moved that Supervisor Daly be excused from voting on File No. 100116. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Daly

**100116 [Appointment, Association of Bay Area Government Executive Board - Supervisor Chris Daly]**

Motion appointing Supervisor Chris Daly, as an alternate member, term ending June 30, 2011, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

**Motion No.** M10-34

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Daly

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100120 [Committee of the Whole - Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]**

**Sponsors: Mirkarimi; Mar**

Hearing to consider the Proposed Disposition and Development Agreement between the Redevelopment Agency of the City and County of San Francisco and MSPDI, Turk LLC., for the disposition of land at 1345 Turk Street, pursuant to the provisions of the California Community Redevelopment Law Section 33433.

*Supervisor Mar requested to be added as a co-sponsor.*

*The President inquired as to whether any member of the public wished to address the Board relating Redevelopment Agency Sales of Land at 1345 Turk Street referenced in File No. 100121. Olson Lee (Redevelopment Agency) provided an overview of the project and responded to questions raised throughout the discussion. Diane Smith spoke expressing concerns relating to certificate holders. Louise Von spoke expressing concerns relating to public housing. Richard Robinson spoke expressing various concerns. Ace Washington spoke expressing concerns relating to certificate holders. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**100121 [Redevelopment Agency Sale of Land at 1345 Turk Street Through a Disposition and Development Agreement]**

**Sponsors: Mirkarimi; Mar**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's Disposition and Development Agreement for Assessor's Block No. 0756, Lot No. 017, commonly known as 1345 Turk Street, to sell the Site to MSPDI Turk, LLC, a California limited liability company, for the development of 32 affordable for sale housing units for low- and moderate-income households.

**Resolution No.** 55-10

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Mar, seconded by Supervisor Chu, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support as referenced below:*

*Supervisor Mar recognized Dorsey Nunn (Legal Services for Prisoners with Children);*
*Supervisor Chiu recognized Brian Gadsden and Herve Ernest;*
*Supervisor Chu recognized Kenyatta Scott (Abraham Lincoln High School);*
*Supervisor Mirkarimi recognized Don Lacey (KPOO FM), Marcus Boks, and Idris Ackamoor and Rhodessa Jones (Cultural Odyssey);*
*Supervisor Daly recognized Bobby Bogan (Seniors Organizing Seniors);*
*Supervisor Elsbernd recognized Courtney Johnson Clenendin;*
*Supervisor Dufty recognized John Weber;*
*Supervisor Campos recognized Karen Huggins (Holly Courts Residential Council);*
*Supervisor Maxwell recognized Emily Wade-Thompson (George Washington Elementary School); and*
*Supervisor Avalos recognized Joseph Lambert and Elba Clemente-Lambert (Creative Music Emporium).*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Richard Robinson; expressed various concerns.*
*Louise Von; expressed concerns relating to public comment.*
*Mr. Wright; expressed various concerns including MUNI youth fast pass fare increase.*
*Nick Quesada; expressed concerns relating to MUNI youth fast pass fare increase.*
*Diane Wesley Smith; expressed concerns relating to cuise ship emissions.*
*Male Speaker; expressed various religious concerns.*
*Female Speaker; expressed concerns relating to the San Francisco Housing Authority.*
*Juan La Vega; expressed concerns relating to MUNI youth fast pass fare increase.*
*Hillary Liang; expressed concerns relating to MUNI youth fast pass fare increase.*
*Regina Liang; expressed concerns relating to MUNI youth fast pass fare increase.*
*Leah LaCroix; expressed concerns relating to MUNI youth fast pass fare increase.*
*Marvin Martinez; expressed concerns relating to MUNI youth fast pass fare increase.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*
*John DiDonna; shared in poem certain concerns with the Board.*
*Kristen Uhler; expressed concerns relating to MUNI youth fast pass fare increase.*
*Breeyana Singletary; expressed concerns relating to MUNI youth fast pass fare increase.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Shane; expressed concerns relating to MUNI youth fast pass fare increase.*
*Jesus Perez; expressed concerns relating to MUNI youth fast pass fare increase.*
*Daniela; expressed concerns relating to MUNI youth fast pass fare increase in Spanish and English.*
*Raul; expressed concerns relating to MUNI youth fast pass fare increase in Spanish and English.*
*Male Speaker; expressed concerns relating to MUNI youth fast pass fare increase.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Mario Yedidia (Youth Commission); expressed concerns relating to MUNI youth fast pass fare increase.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100163 [American Red Cross Month - March 2010]**
**Sponsors: Dufty; Campos**
Resolution declaring March 2010 as American Red Cross Month.

**Resolution No.** 56-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**100164 [Extending the Joint City and School District Committee]**
**Sponsors: Dufty; Campos**
Motion amending the Board of Supervisors' Rules of Order No. 5.7 to extend the term of the Joint City and School District Select Committee through March 1, 2011.

**Motion No.** M10-35

*Supervisor Campos requested to be added as a co-sponsor.*

**APPROVED**

**100165 [Endorsing Rally for California's Future - March 4, 2010]**

**Sponsors: Mar; Campos**

Resolution endorsing Rally for Califronia's Future, a statewide day of action in support of education and public sector services on March 4, 2010.

**Resolution No.** 57-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Chiu requested that File No. 100190 be severed so that it may be considered separately.*

**100190 [Accept and Expend Grant - 2010 Census Grant]**

Resolution authorizing the Office of Civic Engagement & Immigrant Affairs to accept and expend a grant in the amount of $31,000 from the State of California, Governor's Office of Planning and Research, to support San Francisco's complete count outreach and education activities related to the 2010 Census.

**Supervisor Chiu, seconded by Supervisor Mar, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Resolution authorizing the Office of Civic Engagement & Immigrant Affairs to accept and expend a grant in the amount of $32,250 from the State of California, Governor's Office of Planning and Research, to support San Francisco's complete count outreach and education activities related to the 2010 Census.

**Resolution No.** 58-10

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

## Ordinances

**100204 [Americans with Disabilities Act - Reasonable Modification Policy]**
**Sponsor: Alioto-Pier**
Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.
02/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/25/2010.

**100206 [Appropriating $157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]**
**Sponsors: Dufty; Campos**
Ordinance appropriating $157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in Committee.)
02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - $750,635]**
**Sponsors: Mayor; Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.
02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091269 [Payroll Expense Tax Biotechnology Exclusion Amendment]**
**Sponsors: Alioto-Pier; Dufty**
Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half (7.5) years irrespective of the application date.
(2/23/10 - Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.)
(Fiscal Impact.)

02/23/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/3/2009. (Referred to the Small Business Commission for comment and recommendation.)

02/23/10; SUBSTITUTED.

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Resolutions

**100205 [Accept and Expend Grant - FY2009 Federal Interoperable Emergency Communications Program - $1,370,063]**
**Sponsor: Chu**
Resolution authorizing the Department of Emergency Management, as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to accept and expend retroactively a FY2009 Interoperable Emergency Communications Program Grant award in the amount of $1,370,063 from the United States Department of Homeland Security, through the California Emergency Management Agency, for the period June 1, 2009, to February 28, 2011.

02/23/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100207 [Accept and Expend Grant - Homeless Health and Wellness Training - $108,600]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $108,600 from the San Francisco Community Clinic Consortium, to assist with a project entitled "Homeless Health and Wellness Training" for the period of March 27, 2009, through March 26, 2011.

02/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100209 [Accept and Expend Grant - American Recovery and Reinvestment Act - $2,080,000]**
**Sponsors: Mayor; Dufty and Mar**
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $2,080,000 from the California Energy Commission's State Energy Program, to provide financial assistance for GreenFinanceSF, the City's municipal financing program for energy and water retrofits of privately-owned buildings.

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100210 [Accept Grant - American Recovery and Reinvestment Act - $875,957]**
**Sponsor: Mayor**
Resolution authorizing the Department of the Environment to accept a grant in the amount of $875,957 from the California Energy Commission's State Energy Program, through the Association of Bay Area Governments, for the deployment of energy efficiency projects in the City.

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100211 [Potrero Branch Library Reopening]**
**Sponsors: Maxwell; Campos**
Resolution recognizing the Grand Reopening of the Potrero Branch Library and commending the San Francisco Public Library, residents of the Potrero, the Department of Public Works, and their team, for their hard work and commitment to San Francisco and its residents.

02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100212 [Plan for Bicycle Facilities at Certain Dangerous Intersections and Street Segments]**
**Sponsors: Daly; Campos**
Resolution calling upon the Municipal Transportation Agency to commence study and planning for bicycle facilities around the intersections of Market, Polk, Oak and 10th Street, and of Howard, South Van Ness, 13th Street and Division, and along Division, 13th Street and Duboce from Folsom to Valencia.

02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100213 [Urging Further Collaboration to Improve the 2010 Bay to Breakers]**
**Sponsor: Mirkarimi**
Resolution commending the improvements made to the 2009 Bay to Breakers and urging the race sponsors to further collaborate with City agencies, neighborhoods, and race advocates to develop plans that will minimize adverse impacts on affected neighborhoods while including floats and non-running participants and ensuring the long-term financial and logistical success of the race.

02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100214 [Commending Brooks Orpik]**
**Sponsors: Chu; Dufty and Campos**
Resolution commending Brooks Orpik for representing San Francisco in the 2010 Winter Olympics.

02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100215 [Urging the State Legislature and San Francisco's State Legislative Delegation to Permit the Continued Sale of Rice-Based Noodles]**
**Sponsors: Chiu; Campos**
Resolution urging the State Legislature and San Francisco's State Legislative Delegation to permit the continued sale of rice-based noodles.

02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**091209 [Interim Zoning Controls for the Bayshore Corridor]**
**Sponsors: Maxwell; Campos and Dufty**
Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve: (1) establishment of a formula retail use; (2) new retail uses that are 25,000 gross square feet or larger; and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code; and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

10/20/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/27/09; REFERRED TO DEPARTMENT.

02/23/10; FILED PURSUANT TO RULE 5.36.

02/23/10; REACTIVATED PURSUANT TO RULE 5.23 to Land Use and Economic Development Committee.

## Requests for Hearing

**100197 [Implementation of the JOBS NOW Program]**
**Sponsor: Avalos**
Hearing on the implementation and administration of the JOBS NOW program in both the private and public sector, regarding process, outcomes and challenges.

02/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100198 [City Services Auditor Report - Port of San Francisco]**
**Sponsor: Mar**
Hearing on the City Services Auditor Report on Port of San Francisco regarding poor management and triangle parking lot oversight.

02/23/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100199 [City Services Auditor Report - San Francisco Municipal Transportation Agency]**
**Sponsor: Mar**
Hearing on the City Services Auditor Report on the San Francisco Municipal Transportation Agency regarding Mission Bartlett, North Beach, Vallejo Street, and San Francisco General Hospital garages audit.

02/23/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100200 [City Services Auditor Report - Office of Contract Administration]**
**Sponsor: Mar**
Hearing on the City Services Auditor Report on the Office of Contract Administration regarding Office Depot not in compliance with its contract an overcharge of at least $5,750,00 to the City.

02/23/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100201 [Management Audit of San Francisco's Commodity Purchasing Process]**
**Sponsor: Mar**
Hearing on the management audit of San Francisco's Commodity Purchasing Process.
02/23/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100202 [San Francisco Municipal Transportation Agency's Quality Review]**
**Sponsor: Mar**
Hearing to consider the recently completed biennial review of the San Francisco Municipal Transportation Agency's progress toward its adopted goals, objectives, and performance standards as required under Charter Section 8A.107.
02/23/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100203 [Truck Route Planning in Southeast San Francisco]**
**Sponsor: Maxwell**
Hearing on the progress of the collaborative effort between the Municipal Transportation Agency and the Department of Public Health to address health and safety issues associated with truck traffic in southeast San Francisco.
02/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## Motions

**100216 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 8, 2010, Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 8, 2010, Election. (Clerk of the Board)
02/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed $282,400,000]**
**Sponsor: Dufty**
Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)
02/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## PROPOSED RESOLUTIONS

**100166 [Settlement of Unlitigated Claim - Larkfield, Inc. - $49,500]**
Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc., against the City and County San Francisco for $49,500; claim was filed on September 2, 2009. (City Attorney)

02/03/10; RECEIVED AND ASSIGNED to Rules Committee.

**100167 [Agreement to Purchase Two Access Road Easements Over Portions of APN 016-002-014 Located in Stanislaus County]**
Resolution approving and authorizing an agreement for the purchase of two permanent access road easements totaling 1.07 acres over portions of Assessor's Parcel No. 016-002-014 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $2,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

02/04/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100169 [Wastewater Revenue Bonds Issuance - Not to Exceed $282,400,000]**
**Sponsor: Dufty**
Resolution approving the issuance of not to exceed $285,600,000 in aggregate principal amount of wastewater revenue bonds to be issued by the Public Utilities Commission; affirming covenants contained in the indenture pursuant to which the wastewater revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)
(Fiscal Impact.)

02/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Potholes and Sidewalk issues*
*Fell & Fillmore intersection*
*Fell & Steiner intersection*
*Fillmore & Golden Gate*
*Fillmore & McAllister, east side*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore & Post*
*Southwest corner of Divisadero & Sutter*
*9th Avenue & Judah (near bus stops)*
*7th Avenue & Irving (near bus stops)*
*Northwest corner of Hayes & Fillmore*
*Southeast corner of Fillmore & Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*
*Irving & 9th Avenue*
*Irvine & 7th Avenue*
*Southwest corner of Haight & Clayton*
*Southeast corner of Haight & Masonic*

*Examiner*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*

*SF Daily*
*Northwest corner of Hayes & Gough*

*City Star*
*Northwest corner of Hayes & Gough*
*Southeast corner of Fillmore & Haight*

*SF Weekly*
*Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Garbage Cans*
*On Haight between Central & Masonic*
*Northeast corner Page & Stanyan*
*Southwest corner Haight & Buena Vista East*
*Southwest corner Haight & Buchanan*
*Southeast corner Fillmore & Haight*

*Mailboxes*
*Southwest corner Masonic & Haight*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northwest corner Masonic & Haight*
*Northeast corner Steiner & Oak*
*Southeast corner Divisadero & Hayes*
*Northeast corner Waller & Scott*
*Northeast corner Oak & Fillmore*
*Northwest corner Fillmore & Hermann*

*Bus Shelter*
*Northwest corner Sutter & Laguna*
*Northeast corner Masonic & Fulton*
*Southeast corner Buena Vista East & Haight*
*Fillmore & Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes*
*Northeast corner Fell & Divisadero*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:*

*499 Baker*
*501 Fillmore*
*326 Scott, fence*
*615 Oak*
*295 Buchanan*
*612 Haight*
*485 Scott*
*901 Haight*
*537 Haight*
*414 Haight*
*418 Haight*
*400 Duboce*
*1301 Haight*
*615 Haight*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Pole*
*Southeast corner Cole & Page*

*Metal Poles*
*Northwest corner Central & Haight*
*Northwest corner Waller & Fillmore*
*Southeast corner Divisadero & Oak*
*Southwest corner McAllister & Fillmore, near bus stop*
*Northwest corner Laguna & Grove*
*In front of 445 Fillmore*
*Northwest corner Page & Fillmore*
*Northwest corner Fell & Fillmore*

## In Memoriams

*Rosa Mae Richard – Supervisor Dufty*
*Elizabeth Driscoll – Supervisor Elsbernd*
*Peter Kolenda – Supervisors Elsbernd and Chu*
*Rosa Durham-Hammork – Supervisor Mirkarimi*
*Bruce Miller – Supervisor Dufty*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:41 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 16, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, March 2, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>11:00 AM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:13 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**100052 [Appropriating $410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]**
**Sponsor: Elsbernd**
Ordinance appropriating $410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.
(Fiscal Impact.)

**Ordinance No.** 42-10

**FINALLY PASSED**

**100142 [Appropriating $2,816,535 of State and Federal Revenues for Various Purposes in the Human Services Agency for FY2009-2010]**
**Sponsors: Mayor; Dufty**
Ordinance appropriating $2,816,535 of various revenues, including $672,043 of additional In-Home Support Services administrative and fraud prevention allocation from the State, $1,315,790 of additional Federal and State Older Youth Adoption Services allocation, and $828,702 of additional State Food Stamps administrative allocation, for In-Home Support Services administration, In-Home Support Services fraud prevention, the Food Stamps eligibility program, and activities to promote older youth adoptions in the Human Services Agency for FY2009-2010, and placing $284,783 of salaries and fringe benefits in the In-Home Support Services Investigations program on Budget and Finance Committee reserve.

**Ordinance No.** 43-10

**FINALLY PASSED**

**100143 [Public Employment - Human Services Agency]**
**Sponsor: Mayor**
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of 42 new positions (17.64 FTEs) at the Human Services Agency.

**Ordinance No.** 44-10

**FINALLY PASSED**

**100161 [Adopting Implementation Plan for CleanPowerSF]**
**Sponsors: Mirkarimi; Campos, Mar, Dufty, Chiu and Daly**
Ordinance adopting a revised Implementation Plan for the City's Community Choice Aggregation Program, CleanPowerSF, and authorizing the filing of the Implementation Plan with the California Public Utilities Commission.

**Ordinance No.** 45-10

**FINALLY PASSED**

## Recommendations of the City Operations and Neighborhood Services Committee

**091424 [Liquor License - 84 Second Street]**
Resolution determining that the issuance of a Type 21 Off-Sale beer, wine, and distilled spirits license to Nassir A. Zughayir for Sammy's located on Second at 84 Second Street will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 62-10

**ADOPTED**

**100032 [Liquor License, 461 Pacific Avenue]**

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Jim Howell, for the Barrel Cellar, LLC located at 461 Pacific Avenue, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 63-10

**ADOPTED**

**100083 [Liquor License, 2111 Market Street]**

Resolution determining that the issuance of a Type 42 On-Sale beer and wine public premises license to Maarten Bon, for Cork located at 2111 Market Street, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 64-10

**ADOPTED**

**100137 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - $200,000]**

**Sponsor: Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of $200,000 for the Urban Forestry Project.

**Resolution No.** 65-10

**ADOPTED**

**100138 [Accept and Expend Grant - Recreation and Park Department Urban Forestry Project - $65,000]**

**Sponsor: Mar**

Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Education Grant administered by the California Department of Forestry and Fire Protection in the amount of $65,000 for the Urban Forestry Project.

**Resolution No.** 66-10

**ADOPTED**

## Recommendations of the Land Use and Economic Development Committee

**091407 [Recreation and Park Department - Naming Parcel 4 as Sutro Dunes]**

**Sponsors: Mar; Maxwell**

Ordinance amending the San Francisco Park Code by renaming Article 1 as "Title and General Provisions" and adding Section 1.05 to name the parcel located at the junction of the Great Highway and Balboa Street "Sutro Dunes."

**Ordinance No.** 46-10

**FINALLY PASSED**

**100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]**

**Sponsor: Dufty**

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

**Ordinance No.** 47-10

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**

**Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Supervisor Avalos, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091433 [Reducing Employer Retirement Benefit Costs]**
**Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

**ORDERED SUBMITTED. The motion FAILED by the following vote:**

Ayes: 4 - Chu, Dufty, Elsbernd, Maxwell
Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi
Excused: 1 - Alioto-Pier

## Board of Supervisors Sitting as a Committee of the Whole

**100218 [Committee of the Whole - Reducing Employer Retirement Benefit Costs]**
Hearing of persons interested in or objecting to proposed Charter Amendments relating to reducing employer retirement benefit costs. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to "Reducing Employer Retirement Benefit Costs" as referenced in File No. 100156. Tim Paulson spoke expressing concerns relating to pension reform. Robert Haaland (SEIU) spoke expressing various concerns. Bob Muskat (Labor Council) spoke expressing concerns relating to cost savings to the City. Tom O'Conner (Fire Union) spoke expressing concerns relating to pension reform. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

## From the Board

**100156 [Reducing Employer Retirement Benefit Costs]**

**Sponsors: Mar; Campos, Elsbernd and Mirkarimi**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, City and County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a two-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

*Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.*

**ORDERED SUBMITTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**100059 [Appropriating $3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**

**Sponsor: Mayor**

Ordinance appropriating $3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing $406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100099 [Appropriating $1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**

**Sponsors: Mar; Daly**

Ordinance appropriating $1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

*Supervisor Daly requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100134 [Health Service System Plans and Contribution Rates]**

**Sponsor: Elsbernd**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100135 [Establishing Monthly Contribution Amount to Health Service Trust Fund]**
**Sponsor: Elsbernd**
Resolution establishing monthly contribution amount to Health Service Trust Fund.

**Resolution No.** 67-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091344 [Redevelopment Agency Bond Authorization - $28,000,000]**
**Sponsors: Mayor; Avalos**
Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed $28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

**Supervisor Avalos, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED to March 16, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100007 [Approving Central Subway Final Design Contract Package No. 2 - Stations - Not to Exceed $39,949,948]**
**Sponsor: Chu**
Resolution approving Municipal Transportation Agency Contract No. CS-155-2, Professional Architectural and Engineering Services for the final design and construction of the Central Subway Project, with the Central Subway Design Group, a Joint Venture of Parsons Brinkerhoff, Kwan Hemni Architecture and Michael Willis Architecture, in an amount not to exceed $39,949,948, for a term not to exceed ten years with an option to extend the term an additional two years. (Fiscal Impact.)

**Resolution No.** 68-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Land Use and Economic Development Committee

**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**

**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, and 1009.29-1009.32, and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

**Supervisor Mar, seconded by Supervisor Avalos, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

**Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to March 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Rules Committee

**091370 [Determining Surviving Spouse Status for Retirement Purposes]**
**Sponsor: Elsbernd**
Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091435 [Child Care Planning and Advisory Council Membership]**
**Sponsor: Chiu**
Ordinance amending San Francisco Administrative Code by amending Section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100055 [Initiative Ordinance - Budget Line Item for Police Department Dignitary Security - June 8, 2010, Election]**
**Sponsors: Mirkarimi; Campos**
Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.

**Motion No.** M10-36

*Supervisor Campos requested to be added as a co-sponsor.*

**APPROVED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

**100056 [Declaration of Policy - Cannabis Regulation and Control - June 8, 2010, Election]**
**Sponsors: Mirkarimi; Campos**
Motion ordering submitted to the voters a declaration of policy regarding the regulation of the cultivation and sale of cannabis at an election to be held on June 8, 2010.

**Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Supervisor Mirkarimi Excused from Voting

**Supervisor Maxwell, seconded by Supervisor Dufty, moved that Supervisor Mirkarimi be excused from voting on File No. 100186. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

**100186 [Appointment to San Francisco LAFCO - Supervisor Ross Mirkarimi]**
Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2014, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Motion No.** M10-37

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

## Supervisor Elsbernd Excused from Voting

**Supervisor Campos, seconded by Supervisor Mirkarimi, moved that Supervisor Elsbernd be excused from voting on File No. 100187. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Elsbernd

**100187 [Appointment to Peninsula Corridor Joint Powers Board - Supervisor Sean Elsbernd]**
Motion appointing Supervisor Sean Elsbernd, term ending June 30, 2012, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

**Motion No.** M10-38

**APPROVED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Excused: 2 - Alioto-Pier, Elsbernd

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Maxwell introduced, welcomed, and presented Certificates of Honor to De'Monique Carrol (Visitation Valley Boys and Girls Club) and Jacquelyn Fuller (Willie Mays Boys and Girls Club of Bayview Hunters Point) in recognition of their accomplishments and continued community support.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns in Arabic and English.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*David Pilpel; expressed concerns relating to MTA layoffs.*
*Emil Lawrence; expressed various concerns.*
*Male Speaker; expressed various religious concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Zachery Running-Wolf; expressed concerns relating to sit/lie legislation.*
*Slum Jack; expressed concerns relating to social justice.*
*Christopher Dahl; expressed concerns relating to seismic upgrades.*
*Male Speaker; expressed concerns relating to SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100212 [Plan for Bicycle Facilities at Certain Dangerous Intersections and Street Segments]**
**Sponsors: Daly; Campos**
Resolution calling upon the Municipal Transportation Agency to commence study and planning for bicycle facilities around the intersections of Market, Polk, Oak and 10th Street, and of Howard, South Van Ness, 13th Street and Division, and along Division, 13th Street and Duboce from Folsom to Valencia.

**Resolution No.** 73-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**100214 [Commending Brooks Orpik]**
**Sponsors: Chu; Dufty and Campos**
Resolution commending Brooks Orpik for representing San Francisco in the 2010 Winter Olympics.

**Resolution No.** 69-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**100215 [Urging the State Legislature and San Francisco's State Legislative Delegation to Permit the Continued Sale of Rice-Based Noodles]**
**Sponsors: Chiu; Campos**
Resolution urging the State Legislature and San Francisco's State Legislative Delegation to permit the continued sale of rice-based noodles.

**Resolution No.** 70-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Maxwell requested that File No. 100211 be severed so that it may be considered separately.*

**100211 [Potrero Branch Library Reopening]**
**Sponsors: Maxwell; Campos**
Resolution recognizing the Grand Reopening of the Potrero Branch Library and commending the San Francisco Public Library, residents of the Potrero, the Department of Public Works, and their team, for their hard work and commitment to San Francisco and its residents.

**Resolution No.** 71-10

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Mirkarimi requested that File No. 100213 be severed so that it may be considered separately.*

**100213 [Urging Further Collaboration to Improve the 2010 Bay to Breakers]**
**Sponsor: Mirkarimi**
Resolution commending the improvements made to the 2009 Bay to Breakers and urging the race sponsors to further collaborate with City agencies, neighborhoods, and race advocates to develop plans that will minimize adverse impacts on affected neighborhoods while including floats and non-running participants and ensuring the long-term financial and logistical success of the race.

**Resolution No.** 72-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Elsbernd requested that File No. 100216 be severed so that it may be considered separately.*

**100216 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 8, 2010, Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 8, 2010, Election. (Clerk of the Board)

**Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

(Clerk of the Board)

**Motion No.** M10-39

**APPROVED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Avalos, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100223 [Supporting the Statewide Action for Public Education Day - March 4, 2010]**
**Sponsors: Avalos; Dufty and Mirkarimi**
Resolution expressing support for the March 4, 2010, Day of Statewide Action in recognition of public education as a basic human right.

**Resolution No.** 74-10

*Supervisors Dufty and Mirkarimi requested to be added as co-sponsors.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

## Ordinances

**100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $166,981.50]**
**Sponsor: Mirkarimi**
Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of $166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100233 [Prohibition on Sitting or Lying on Public Sidewalks]**
**Sponsors: Mayor; Alioto-Pier**
Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours, and with exceptions for the disabled and others.

03/02/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 4/1/2010.

## Resolutions

**100227 [Accept and Expend Grant - Phase One Improvements to Presidio Heights Playground - $910,800]**
**Sponsor: Alioto-Pier**
Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at $910,800 from the Friends of Presidio Heights Playground through the San Francisco Parks Trust for Phase One Improvements to Presidio Heights Playground.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100228 [Redevelopment Agency Budget FY2009-2010]**
**Sponsor: Avalos**
Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2009-2010 by increasing the Agency's tax increment bond proceeds by $28,000,000 and authorizing expenditures in an amount not to exceed $28,800,000 for payment to the Supplemental Educational Revenue Augmentation Fund.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - $88,000]**
**Sponsor: Campos**
Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at $88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - $47,759]**
**Sponsors: Chu; Mar**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100231 [Accept and Expend Grant - Buena Vista Park Project, Phase II - $115,025]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant for the Buena Vista Park Project, Phase II, in the amount of $115,025 available under the Federal Land and Water Conservation Fund Program administered by the California Department of Parks and Recreation under the provisions of the Land and Water Conservation Fund Act of 1965.

03/02/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100236 [Supporting the March to Sacramento to Protect Public Higher Education in California - March 22, 2010]**
**Sponsors: Avalos; Mar and Campos**
Resolution supporting the March 22, 2010, "March in March IV" Sacramento to protect and promote public higher education in California and to urge State government officials to work together on FY2010-2011 budget that does not include cuts to public education and student fee increases.

**100237 [Extending the Life of Western SoMa Citizens Planning Task Force]**
**Sponsor: Daly**
Resolution extending the life of the Western SoMa Citizens Planning Task Force.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100238 [Endorsing the California Democracy Act]**
**Sponsors: Mar; Avalos, Mirkarimi and Campos**
Resolution endorsing the California Democracy Act and supporting the campaign to ensure its passage in 2010.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100239 [Supporting Senate Bill 438 Regarding Charter Schools]**
**Sponsors: Mar; Campos**
Resolution supporting Senate Bill 438 to ensure all charter schools adhere to the state's student speech and employee protection laws.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100240 [Supporting Senate Bill 330 Regarding University of California]**
**Sponsor: Mar**
Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100241 [Support of Institutional Financial Aid for Students Affected by the Provision of Assembly Bill 540]**
**Sponsors: Mar; Campos**
Resolution supporting institutional financial aid for students affected by the provision of Assembly Bill 540.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100242 [Call for the Federal Government to Release California Gray Whale Population Research Findings and Fund Assessment]**
**Sponsors: Mirkarimi; Campos**
Resolution calling on the Federal Government to make California Gray Whale (Eschrichtius Robustus) population research findings immediately available and to fund the National Marine & Fisheries Service to assess the major threats to the California Gray Whale.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Charter Amendment

**100235 [Transferring the Police Department's Functions, Assets and Operations to the Sheriff]**
**Sponsor: Daly**
Charter Amendment (First Draft) to to amend the Charter of the City and County of San Francisco by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

## Requests for Hearing

**100224 [California Pacific Medical Center - Pacific Campus Hemodialysis Unit]**
**Sponsor: Alioto-Pier**
Hearing regarding information about California Pacific Medical Center's potential plans to sell the Pacific Campus Hemodialysis Unit to DaVita, a for-profit dialysis company and whether patient care will be compromised in such an event.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100225 [Ongoing Budget Updates]**
**Sponsor: Avalos**
Ongoing hearing to consider updates from the Mayor's Office and from various City departments, including budget balancing strategies and proposals, as well as matters, such as local, state, and federal changes to revenue, that may impact the budget.

03/02/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100226 [Neighborhood Streets Status Update]**
**Sponsor: Chu**
Hearing request for status of neighborhood streets including: 1) update from Capital Planning Committee on the progress of funding for street repairs; 2) a report from 311 on number of service requests for street repairs from each district/neighborhood and response time; and 3) the process of neighborhood requests for restriping of roadways and crosswalks.

03/02/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100234 [Committee of the Whole - Just Cause Eviction Protections for Residential Tenants in Properties Subject to Foreclosure Which Adds to the Definition of "Foreclosure" and Includes New Noticing Requirements]**
Hearing of persons interested in or objecting to new amendments to proposed Ordinance relating to just cause eviction protections for residential tenants in properties subject to foreclosure which adds to the definition of "foreclosure" and includes new noticing requirements. (Clerk of the Board)

03/02/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

## Introduced by President at Request of Department

# PROPOSED RESOLUTIONS

**100174 [Approval of Mental Health Services Act Innovation Work Plan]**
**Sponsor: Mirkarimi**
Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100175 [Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]**
**Sponsor: Mirkarimi**
Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

02/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100176 [Approval of a Lease with the Federal Express Corporation at San Francisco International Airport]**
Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

02/17/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100177 [Real Property Lease Amendment - One Market Plaza]**
Resolution approving a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

02/22/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to draft legislation that bans carrying concealed weapons in house of worship.*

*From: Supervisor Chu*
*To: City Attorney*
*To: Controller*
*Requesting/Inquiring: Inquiring to the City Attorney's Office/Controller's Office on the number of claims and amount paid out in settlements against the city and County of San Francisco in the past 10 years. Please indicate specifically the number and value of claims categorized by types of claims (ie: damage to property due to flooding, vehicle collisions, personal injury due to uneven roadways, etc).*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Poles*
*In front of 242 Fillmore*
*In front of 20 Fillmore*

*Metal Poles*
*Northeast corner Broderick & Haight*
*Northwest corner Fillmore & Fell*
*Southeast corner Fulton & Laguna*
*Southwest corner Laguna & Turk*
*Webster & Fulton, in the median*
*In front of 558 Waller*
*In front of 242 Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*400 Divisadero*
*2270 Bush*
*1619 Laguna*
*1140 Fell, on the fence*
*248 Scott*
*160 Pierce*
*436 Buchanan, on the wood flower boxes*
*747 Haight*
*630 Haight*
*533 Haight*
*55 Laguna, on Buchanan & Haight sides*
*901 Haight*
*981 Haight*
*100 Broderick, on the Haight side*
*670 Stanyan*
*1425 Oak*

1215 Oak
1374 Haight
1468 Haight
202 Webster
600 Oak
429 Webster
1649 Haight
745 Haight
707 Haight
681 Haight
609 Haight
542 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes and Sidewalk issues
Intersection Fillmore & Turk

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Box
Southeast corner Geary & Laguna

Bus Shelters
Southeast corner Haight near Stanyan, Southside of street
Southwest corner Buchanan & Haight
Southeast corner Stanyan & Oak
Southwest corner Buena Vista East & Haight
Northeast corner Geary & Laguna
Fillmore & Haight (all 4 bus stops, graffiti and grime)

Emergency Box
Northeast corner Fell & Divisadero

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Northwest corner Clayton & Fulton
Southeast corner Haight & Fillmore

Mailboxes
Southwest corner Webster & Oak
Northeast corner Cole & Fulton
Southwest corner Masonic & Haight

Street Wall and Overpasses
Geary & Steiner on the Southwest corner & Northwest corner

*Vacant Lot*
*Muni-Substation on Turk Street side*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner Fillmore and Post*
*Southwest corner of Divisadero and Sutter*
*9th Avenue and Judah (near bus stops)*
*7th Avenue and Irving (near bus stops)*
*Northwest corner of Hayes and Fillmore*
*Southeast corner of Fillmore and Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*
*Irving and 9th Avenue*
*Irvine and 7th Avenue*
*Southwest corner of Haight and Clayton*
*Southeast corner of Haight and Masonic*

*Examiner*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*

*SF Daily*
*Northwest corner of Hayes and Gough*

*City Star*
*Northwest corner of Hayes and Gough*
*Southeast corner of Fillmore and Haight*

*SF Weekly*
*Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore*

## In Memoriams

*Dr. Rahmatollah Pakdel – Supervisor Ross Mirkarimi*
*Loni Ding – Supervisor Eric Mar*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:00 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 30, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

GOVERNMENT
DOCUMENTS DEPT

DEC 15 2011

SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, March 9, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>1:30 PM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Avalos, seconded by Supervisor Mar, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Maxwell, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of January 26, 2010, February 2, 2010, and February 9, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**100059 [Appropriating $3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**
**Sponsor: Mayor**
Ordinance appropriating $3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing $406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.
(Fiscal Impact.)
**FINALLY PASSED**

**100099 [Appropriating $1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**
**Sponsors: Mar; Daly**
Ordinance appropriating $1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.
**FINALLY PASSED**

**100134 [Health Service System Plans and Contribution Rates]**
**Sponsor: Elsbernd**
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.
**FINALLY PASSED**

**100219 [Accept and Expend Grant - State Energy Program - $2,993,029]**
**Sponsor: Mayor**
Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act funds from the U.S. Department of Energy's State Energy Program, disbursed through the California Energy Commission's California Comprehensive Residential Building Retrofit Program, in the amount of $ 2,993,029.
**ADOPTED**

**100167 [Agreement to Purchase Two Access Road Easements Over Portions of APN 016-002-014 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of two permanent access road easements totaling 1.07 acres over portions of Assessor's Parcel No. 016-002-014 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of $2,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

**ADOPTED**

**100209 [Accept and Expend Grant - American Recovery and Reinvestment Act - $2,080,000]**

**Sponsors: Mayor; Dufty and Mar**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $2,080,000 from the California Energy Commission's State Energy Program, to provide financial assistance for GreenFinanceSF, the City's municipal financing program for energy and water retrofits of privately-owned buildings.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100210 [Accept Grant - American Recovery and Reinvestment Act - $875,957]**

**Sponsor: Mayor**

Resolution authorizing the Department of the Environment to accept a grant in the amount of $875,957 from the California Energy Commission's State Energy Program, through the Association of Bay Area Governments, for the deployment of energy efficiency projects in the City.

**ADOPTED**

## Recommendation of the Government Audit and Oversight Committee

**100139 [Budget and Legislative Analyst Audit of the Alemany Farmers' Market]**

**Sponsor: Maxwell**

Motion directing the Budget and Legislative Analyst to conduct an audit of the Alemany Farmers' Market and the Real Estate Department in its capacity as operator of the market.

**APPROVED**

## Recommendation of the Land Use and Economic Development Committee

**091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

**FINALLY PASSED**

## Recommendation of the Public Safety Committee

**100100 [Accept and Expend Grant - Department of Juvenile Probation - $150,000]**

**Sponsor: Maxwell**

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of $150,000 from the The Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

**ADOPTED**

## Recommendations of the Rules Committee

**091370 [Determining Surviving Spouse Status for Retirement Purposes]**

**Sponsor: Elsbernd**

Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.

**FINALLY PASSED**

**091435 [Child Care Planning and Advisory Council Membership]**

**Sponsor: Chiu**

Ordinance amending San Francisco Administrative Code by amending Section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**
**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

**Supervisor Chu, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 65, Line 13, replacing 'Polk' with 'Mason.' The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly
Excused: 1 - Alioto-Pier

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 2 - Chu, Elsbernd
Excused: 1 - Alioto-Pier

**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**

**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

*Privilege of the floor was granted to Dr. Mitch Katz, Director of the Department of Public Health, who provided an overview.*

**Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Board of Supervisors Sitting as a Committee of the Whole

**100234 [Committee of the Whole - Just Cause Eviction Protections for Residential Tenants in Properties Subject to Foreclosure Which Adds to the Definition of "Foreclosure" and Includes New Noticing Requirements]**

Hearing of persons interested in or objecting to new amendments to proposed Ordinance relating to just cause eviction protections for residential tenants in properties subject to foreclosure which adds to the definition of "foreclosure" and includes new noticing requirements. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to the amendments to the just cause eviction legislation referenced in File No. 100039. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

## From the Board

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**
**Sponsors: Avalos; Campos, Mirkarimi and Mar**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED on Page 45, Line 13, after 'evicted,' by adding 'by the person or entity who took title through foreclosure (see Section 37.9D(a))' and on Page 45, Line 15, after 'Chapter 37;' by adding 'or at the end of the tenant's existing lease, whichever occurs later.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and to provide for particular notice of rights to tenants in possession of a rental unit at the time of foreclosure, and that failure to provide the notice can be an affirmative defense in unlawful detainer proceedings; findings in support of the legislation; severability clause; technical corrections.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**100113 [Private Ambulance Regulatory Fee Payments]**
**Sponsor: Avalos**

Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)

*Supervisor Avalos requested to be added as sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100105 [Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health - $16,570,000]**

Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013, in the amount of $16,570,000. (Public Health Department)
(Fiscal Impact.)

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100141 [Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District]**

**Sponsors: Mayor; Dufty, Chiu and Mar**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2010-2011 school year.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Government Audit and Oversight Committee

**100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]**

**Sponsors: Mirkarimi; Mar, Campos and Chiu**

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

*Supervisors Mar and Campos requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100160 [Appropriating $400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]**

**Sponsor: Maxwell**

Ordinance appropriating $400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

**PASSED ON FIRST READING by the following vote:**

Ayes: 7 - Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 3 - Avalos, Campos, Daly
Excused: 1 - Alioto-Pier

## Recommendations of the Land Use and Economic Development Committee

**091113 [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]**

**Sponsors: Mayor; Campos and Chiu**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.
(Economic Impact.)

*Supervisor Campos requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu. Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091406 [Street Encroachment at 1 Webster Street]**

**Sponsor: Dufty**

Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**

**Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Public Safety Committee

**100020 [Penalties for Assaulting or Battering a Patrol Special Officer]**

**Sponsor: Dufty**

Resolution encouraging the Chief of the San Francisco Police Department to consider imposition of increased potential penalties for individuals who commit assault or battery on a patrol special police officer.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Chu, seconded by Supervisor Mar, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Merle Goldstone in recognition of her years of service upon her retirement and her continued community support. Supervisors Dufty, Chiu, Mirkarimi and Mar spoke joining in this presentation.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Steven Gong in recognition of their 30 year anniversary, the accomplishments, and continued community support of the Center for Asian American Media. Supervisor Chiu spoke joining in this presentation.*

## COMMITTEE REPORTS

### Recommendation of the City Operations and Neighborhood Services Committee

**100205 [Accept and Expend Grant - FY2009 Federal Interoperable Emergency Communications Program - $1,370,063]**

**Sponsor: Chu**

Resolution authorizing the Department of Emergency Management, as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to accept and expend retroactively a FY2009 Interoperable Emergency Communications Program Grant award in the amount of $1,370,063 from the United States Department of Homeland Security, through the California Emergency Management Agency, for the period June 1, 2009, to February 28, 2011.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Emil Lawrence; expressed various concerns.*
*Lois Roberts; expressed concerns relating to lost articles.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Male Speaker; expressed concerns relating to inspection rates and process.*
*Christopher Dahl; expressed concerns relating to the City Charter.*
*Gray Harrison; shared experiences with recent incident at Bayview Hunter's Point community meeting.*
*Female Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Female Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Roger Scott; expressed concerns relating to shipyard property.*
*Alex Torino; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Jay Crawford; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Male Speaker; shared experiences with recent incident at Bayview Hunter's Point community meeting.*
*Nancy Cross; expressed concerns relating to second hand smoke.*
*Helen Jenson; shared experiences with recent incident at Bayview Hunter's Point community meeting.*
*Male Speaker; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Male Speaker; expressed various religious concerns.*
*Eric Brooks; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Male Speaker; shared experiences with recent incident at Bayview Hunter's Point community meeting.*
*Ron Stutts; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Rebecca Reese; expressed concerns about a recent article relating to incident at Bayview Hunter's Point community meeting.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100236 [Supporting the March to Sacramento to Protect Public Higher Education in California - March 22, 2010]**
**Sponsors: Avalos; Mar and Campos**
Resolution supporting the March 22, 2010, "March in March IV" Sacramento to protect and promote public higher education in California and to urge State government officials to work together on FY2010-2011 budget that does not include cuts to public education and student fee increases.

*Supervisors Mar and Campos requested to be added as co-sponsors.*

**ADOPTED**

**100237 [Extending the Life of Western SoMa Citizens Planning Task Force]**
**Sponsor: Daly**
Resolution extending the life of the Western SoMa Citizens Planning Task Force.
**ADOPTED**

**100238 [Endorsing the California Democracy Act]**
**Sponsors: Mar; Avalos, Mirkarimi and Campos**
Resolution endorsing the California Democracy Act and supporting the campaign to ensure its passage in 2010.
*Supervisor Campos requested to be added as a co-sponsor.*
**ADOPTED**

**100239 [Supporting Senate Bill 438 Regarding Charter Schools]**
**Sponsors: Mar; Campos**
Resolution supporting Senate Bill 438 to ensure all charter schools adhere to the state's student speech and employee protection laws.
*Supervisor Campos requested to be added as a co-sponsor.*
**ADOPTED**

**100241 [Support of Institutional Financial Aid for Students Affected by the Provision of Assembly Bill 540]**
**Sponsors: Mar; Campos**
Resolution supporting institutional financial aid for students affected by the provision of Assembly Bill 540.
*Supervisor Campos requested to be added as a co-sponsor.*
**ADOPTED**

**100242 [Call for the Federal Government to Release California Gray Whale Population Research Findings and Fund Assessment]**
**Sponsors: Mirkarimi; Campos**
Resolution calling on the Federal Government to make California Gray Whale (Eschrichtius Robustus) population research findings immediately available and to fund the National Marine & Fisheries Service to assess the major threats to the California Gray Whale.
*Supervisor Campos requested to be added as a co-sponsor.*
**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Elsbernd requested that File No. 100240 be severed so that it may be considered separately.*

**100240 [Supporting Senate Bill 330 Regarding University of California]**
**Sponsor: Mar**
Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

**REFERRED to the City Operations and Neighborhood Services Committee**

# IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

## Ordinances

**100268 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - $729,932]**
**Sponsor: Mayor**
Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of $729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office.

03/09/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**091251 [Development Fee Collection Procedure; Administrative Fee]**

**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is May 15, 2010; and adopting findings, including environmental findings.

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/03/09; REFERRED TO DEPARTMENT.

11/03/09; SUBSTITUTED.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/23/09; REFERRED TO DEPARTMENT.

11/24/09; RESPONSE RECEIVED.

12/15/09; SUBSTITUTED.

12/15/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/28/09; REFERRED TO DEPARTMENT.

01/26/10; RESPONSE RECEIVED.

02/01/10; RESPONSE RECEIVED.

03/09/10; SUBSTITUTED.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091252 [Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs]**

**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property; and making findings including findings under the California Environmental Quality Act.

10/27/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/03/09; REFERRED TO DEPARTMENT.

11/24/09; RESPONSE RECEIVED.

02/01/10; RESPONSE RECEIVED.

03/09/10; SUBSTITUTED.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**091275 [Development Impact and In-Lieu Fees]**

**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4, and renumber and amend the sections; to provide that the Department of Building Inspection (DBI) will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge, which option shall expire after three years unless further extended; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is May 15, 2010; and to instruct the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

11/18/09; REFERRED TO DEPARTMENT.

12/15/09; SUBSTITUTED.

12/15/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/29/09; REFERRED TO DEPARTMENT.

12/29/09; RESPONSE RECEIVED.

02/01/10; RESPONSE RECEIVED.

03/09/10; SUBSTITUTED.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## Resolutions

**100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - $5,000,000]**

**Sponsor: Elsbernd**

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of $5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

03/09/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100264 [Urging Lennar Corporation to Issue a Formal Written Apology]**
**Sponsor: Daly**
Resolution urging the Lennar Corporation to issue a formal, written apology to members of the Stop Lennar Action Movement (SLAM) and the City and County of San Francisco for irresponsible and potentially dangerous behavior.

03/09/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100265 [Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]**
**Sponsors: Chiu; Mar and Maxwell**
Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100266 [Urging the Department of Technology to Respond to Google's Request for Information with a Proposal that Allows the City to Maintain Control Over Fiber Networks]**
**Sponsor: Chiu**
Resolution urging the City and County of San Francisco's Department of Technology to respond to Google, Inc.'s Request for Information with a proposal to build a fiber network in San Francisco that is consistent with the City's core value of maintaining control over fiber infrastructure deployed in the City.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100269 [Approving Commercial Paper Reimbursement Agreement and Dealer Agreements]**
**Sponsor: Mayor**
Resolution of the City and County of San Francisco approving the form of Reimbursement Agreement or Reimbursement Agreements and the form of Dealer Agreement in connection with its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation, authorizing the execution and delivery of one or more of such Reimbursement Agreement and the execution and delivery of one or more Dealer Agreements and authorizing other related actions. (Fiscal Impact.)
(Supervisor Mirkarimi dissented in Committee.)

03/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100271 [Accept and Expend Grant - U.S. Department of Justice 2009 Community Oriented Policing Services Technology Initiative for the Expansion of a Gunshot Location System Project - $1,000,000]**
**Sponsor: Mayor**
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project.

03/09/10; RECEIVED AND ASSIGNED to Public Safety Committee.

**100274 [Commemorating the 75th Anniversary of the Works Progress Administration]**
**Sponsors: Mar; Avalos and Campos**
Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100275 [Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]**
**Sponsors: Mar and Campos**
Resolution supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100276 [Commending the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]**
**Sponsors: Mar; Elsbernd and Campos**
Resolution commending the exchange program between the Experimental High School attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100277 [Reallocation of Grant - Capital Projects in Golden Gate Park - $2,067,663]**
**Sponsor: Mar**
Resolution authorizing the reallocation of $2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park.

03/09/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100278 [Supporting California Senate Bill 1225 Regarding Child Care Facilities]**
**Sponsors: Avalos; Dufty, Mar and Campos**
Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100279 [Accept and Expend Gift – Recreation and Park Department – $15,000]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of $15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100280 [Urging the Governor of California to Approve the Transit Assistance Funding Package]**
**Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu**
Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100281 [Declaring March 23, 2010, as Gordon Park Li Day]**
**Sponsors: Dufty; Chiu, Elsbernd and Campos**
Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City of County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**
**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**
Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100240 [Supporting Senate Bill 330 Regarding University of California]**
**Sponsor: Mar**
Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

03/02/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

03/09/10; REFERRED to Government Audit and Oversight Committee.

## Charter Amendment

**100267 [Amending the Charter's Definition of Voter]**
**Sponsor: Mirkarimi**
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters."

03/09/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

## Requests for Hearing

**100270 [Existing Shelter System Serving the Needs and Ensuring Equal Treatment of Lesbian, Gay, Bisexual, and Transgender People]**
**Sponsor: Campos**
Hearing on how the existing shelter system is serving the needs and ensuring equal treatment of Lesbian, Gay, Bisexual, and Transgender people.

03/09/10; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**100272 [San Francisco Public Utilities Commission's Plan for Utilizing and Protecting San Francisco's Watersheds]**
**Sponsor: Campos**
Hearing on the San Francisco Public Utilities Commission's plan for utilizing and protecting San Francisco's watersheds.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100273 [Treasure Island Redevelopment Plans]**
**Sponsor: Maxwell**
Hearing on the status of the redevelopment of former Naval Station at Treasure Island including the land use planning, infrastructure plans, and draft design for development document.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## Motions

**100262 [Removal of Tommy Escarcega from the Reentry Council]**
**Sponsor: Campos**
Motion removing Tommy Escarcega from the Reentry Council.

03/09/10; RECEIVED AND ASSIGNED to Rules Committee.

**100283 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

03/09/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100284 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

**Introduced by the President at Request of Department**

## PROPOSED ORDINANCES

**100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - $25,750]**
Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for $25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

02/23/10; RECEIVED AND ASSIGNED to Rules Committee.

**100179 [Settlement of Lawsuit - Vincente V. Vista - $35,000]**
Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for $35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

02/23/10; RECEIVED AND ASSIGNED to Rules Committee.

**100180 [Settlement of Lawsuit - Thomas Barnes - $135,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for $135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

**100181 [Settlement of Lawsuit - Elbert Harris - $100,000]**
Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for $100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

**100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

02/25/10; RECEIVED AND ASSIGNED to Rules Committee.

**100246 [Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of $10,000 or Less to a Collection Agency]**
**Sponsor: Mirkarimi**
Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from $4,000 to accounts with a fair market value of $10,000. (Treasurer-Tax Collector)

02/25/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010.

**100247 [Additional Penalty for Underreporting Tax by Twenty-five Percent or More]**
Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector)

02/25/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010.

**100248 [Creation of General Reserve and Budget Stabilization Reserve]**
**Sponsors: Chiu; Mayor, Chu and Mirkarimi**
Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds. (Controller)

03/01/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/8/2010. 4/1/10 - Memo from President Chiu waiving the 30-Day Rule.

**100251 [Approval of Contract with AT&T for City Telecommunications Services - $75,000,000]**
Ordinance approving a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of $75,000,000, for a four and one-half year term beginning on March 1, 2010. (Department of Technology)
(Fiscal Impact.)

03/01/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## PROPOSED RESOLUTIONS

**100183 [Lease with the U.S. Government for Office Space for the U.S. Drug Enforcement Administration at the Airport]**

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

02/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100184 [Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement, for the Airport Advertising Program at San Francisco International Airport Lease No. 00-0408 between Clear Channel Outdoor, Inc., dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

02/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100185 [Airport Lease and Operating Agreement]**

Resolution approving the exercise of the fourth of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

02/24/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100249 [Settlement of Unlitigated Claim – Marlon Miranda - $75,000]**

Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for $75,000; claim was filed on June 18, 2009. (City Attorney)

03/01/10; RECEIVED AND ASSIGNED to Rules Committee.

**100250 [Settlement of Unlitigated Claim – Thelma Jefferson - $200,000]**

Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for $200,000; claim was filed on September 28, 2009. (City Attorney)

03/01/10; RECEIVED AND ASSIGNED to Rules Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to prepare legislation amending the City Administrative Code to require the Controller to prepare a monthly report listing the five City departments using the most comp time in the preceding month. This report should be included in the monthly overtime report required by Administrative code Section 18.13-1 and 18.13-5.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northeast corner Geary & Divisadero*
*Southeast corner Webster & Fell*
*Southwest corner 7th Avenue & Lincoln*
*Southwest corner Haight & Fillmore*
*Northeast corner Masonic & Waller*
*Northeast corner Linden & Buchanan*
*Northwest corner Fell & Buchanan*

*Bus Shelters*
*Southwest corner 9th Avenue & Irving*
*Northeast corner Laguna & Hayes*
*Southeast corner Buena Vista East & Haight*
*Northeast corner Haight & Buena Vista East*
*Fillmore & Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes*
*Northwest corner Pierce & Haight*
*Southeast corner Fulton & Scott*
*Northwest corner Ashbury & Fell*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Poles*
*Southwest corner Fillmore & Hayes, by bus shelter*
*Southwest corner Baker & Fell*

*Metal Poles*
*Northwest corner Grove & Laguna*
*Southeast corner Hayes & Buchanan*
*Southeast corner Golden Gate & Broderick*
*Northwest corner Turk & Laguna*
*On Sutter, south side of street, between Broderick & Divisadero*

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

959 Divisadero
2436 Bush
2498 Sutter
1401 Baker
Rosa Parks Senior Center, corner Golden Gate & Webster
1200 Laguna
548 Octavia
550 Octavia
605 Webster
299 Webster
689 Fulton
422 Grove, side of building
378 Fillmore
546 Haight
533 Haight
901 Haight
698 Haight
433 Haight
598 Waller

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes and Sidewalk issues
Irving & 10th Avenue, north side of the street
Sink hole in front of 588 Haight Street

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans
Northeast corner Webster & Fulton
Southeast corner Haight & Buena Vista East
Southwest corner Eddy & Buchanan

Mailboxes
Northeast corner Scott & Haight
Northeast corner Haight & Fillmore
Southwest corner Pierce & Haight
Southwest corner McAllister & Buchanan

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore & Post*
*Southwest corner of Divisadero & Sutter*
*9th Avenue & Judah (near bus stops)*
*7th Avenue & Irving (near bus stops)*
*Northwest corner Hayes & Fillmore*
*Southeast corner of Fillmore & Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*
*Irving & 9th Avenue*
*Irving & 7th Avenue*
*Southwest corner of Haight & Clayton*
*Southeast corner of Haight & Masonic*

*Examiner*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*

*SF Daily*
*Northwest corner of Hayes & Gough*

*City Star*
*Northwest corner of Hayes & Gough*
*Southeast corner of Fillmore & Haight*
*SF Weekly*
*Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore*

## In Memoriam

*Gerard Joseph Page – Supervisor Avalos*
*Aldo Peter Figone – Supervisor Alioto-Pier*
*Dr. George W. Davis – Supervisors Maxwell and Dufty*
*Dr. Edgar Wayburn – Supervisor Chiu*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:22 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 2, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, March 16, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>1:30 PM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar and Sophie Maxwell

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Alioto-Pier and Mirkarimi were noted absent. There was a quorum.*

### Supervisors Alioto-Pier and Mirkarimi Excused from Voting

**Supervisor Dufty, seconded by Supervisor Elsbernd, moved that Supervisors Alioto-Pier and Mirkarimi be excused from voting. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of February 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell

Excused: 2 - Alioto-Pier, Mirkarimi

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

*President, David Chiu, inquired if the Mayor would make an appearance before the Board of Supervisors. Starr Terrell, the Mayor's Liaison to the Board of Supervisors, indicated the Mayor would not be present.*

# CONSENT AGENDA

## Recommendation of the Budget and Finance Committee

**100113 [Private Ambulance Regulatory Fee Payments]**
**Sponsor: Avalos**
Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)
**FINALLY PASSED**

## Recommendation of the City Operations and Neighborhood Services Committee

**100207 [Accept and Expend Grant - Homeless Health and Wellness Training - $108,600]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $108,600 from the San Francisco Community Clinic Consortium, to assist with a project entitled "Homeless Health and Wellness Training" for the period of March 27, 2009, through March 26, 2011.
**ADOPTED**

## Recommendation of the Government Audit and Oversight Committee

**100023 [Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]**
**Sponsors: Mirkarimi; Mar, Campos and Chiu**
Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.
*Supervisor Chiu requested to be added as a co-sponsor.*
**FINALLY PASSED**

## Recommendations of the Land Use and Economic Development Committee

**091113 [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]**
**Sponsors: Mayor; Campos and Chiu**
Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.
(Economic Impact.)

*Supervisor Chiu requested to be added as a co-sponsor.*

**FINALLY PASSED**

**091406 [Street Encroachment at 1 Webster Street]**
**Sponsor: Dufty**
Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**FINALLY PASSED**

**100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]**
**Sponsor: Dufty**
Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

**FINALLY PASSED**

## Recommendations of the Rules Committee

**100068 [Settlement of Lawsuit - Marjorie Flores - $57,500]**
Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for $57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100069 [Settlement of Lawsuit - Yee Mei Hung - $50,000]**
Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for $50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100085 [Settlement of Unlitigated Claim - Patricia Geary - $80,000]**
Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for $80,000; claim was filed on September 16, 2009. (City Attorney)

**ADOPTED**

**100118 [Settlement of Claim - Elisa Gill - $50,000]**
Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for $50,000. (City Attorney)

**ADOPTED**

**100166 [Settlement of Unlitigated Claim - Larkfield, Inc. - $49,500]**
Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc., against the City and County San Francisco for $49,500; claim was filed on September 2, 2009. (City Attorney)

**ADOPTED**

**100193 [Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]**
Motion appointing Bruce Wolfe, term ending April 27, 2010, to the Sunshine Ordinance Task Force. (Clerk of the Board)

**APPROVED**

**100194 [Appointments, Eastern Neighborhood Citizens Advisory Committee - Cynthia Scully and Matthias Mormino]**
Motion appointing Cynthia Scully, term ending October 19, 2013, and Matthias Mormino, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

**APPROVED**

**100195 [Appointment, Children and Families First Commission - Twila Brown]**
Motion appointing Twila Brown, for an indefinite term, to the Children and Families First Commission. (Clerk of the Board)

**APPROVED**

**100196 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer and Sarah Church]**
Motion appointing Jason Oringer and Sarah Church, terms ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

# REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

**100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**
**Sponsors: Avalos; Campos, Mirkarimi and Mar**
Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and to provide for particular notice of rights to tenants in possession of a rental unit at the time of foreclosure, and that failure to provide the notice can be an affirmative defense in unlawful detainer proceedings; findings in support of the legislation; severability clause; technical corrections.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

### Recommendation of the Budget and Finance Committee

**091344 [Redevelopment Agency Bond Authorization - $28,000,000]**
**Sponsors: Mayor; Avalos**
Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed $28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

## Recommendation of the Government Audit and Oversight Committee

**100160 [Appropriating $400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]**

**Sponsor: Maxwell**

Ordinance appropriating $400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

**FINALLY PASSED by the following vote:**

Ayes: 6 - Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 3 - Avalos, Campos, Daly
Excused: 2 - Alioto-Pier, Mirkarimi

## Recommendations of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**

**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Chiu, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 1 - Daly
Excused: 2 - Alioto-Pier, Mirkarimi

**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**

**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

# NEW BUSINESS

## Recommendation of the Budget and Finance Committee

**100044 [Repealing Various Municipal Transportation Agency Special Funds; Appropriating $70,687]**

**Sponsor: Chiu**

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code, by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating $70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

## Recommendation of the City Operations and Neighborhood Services Committee

**100098 [Establishment of the Rainbow Honor Walk]**

**Sponsors: Dufty; Campos**

Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market Street between Castro Street and Octavia Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

## Recommendation of the Land Use and Economic Development Committee

**100136 [Floodplain Management Program]**
**Sponsor: Elsbernd**
Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

# SPECIAL ORDER 3:30 P.M - Recognition of Commendations

## Privilege of the Floor

**Supervisor Chu, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

*Supervisor Chu introduced, welcomed, and presented a Certificate of Honor to Sandy Mori of the Kimochi Inc. Japanese Community Center in recognition of her accomplishments and continued community support.*

*Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Hank Plant, acclaimed reporter, in recognition of his accomplishments and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### Supervisor Chu Excused from Voting

**Supervisor Elsbernd, seconded by Supervisor Campos, moved to excuse Supervisor Chu on File Nos. 100151, 100152, 100153, and 100154. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell
Excused: 3 - Alioto-Pier, Chu, Mirkarimi
Absent: 1 - Daly

**100151 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2462 - 27th Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2009, Case No. 2009.0797E, that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act (CEQA) as a Class 1(e) categorical exemption. The proposal would add a third floor and rear extension to the existing family home located in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in Assessor's Block No. 2399, Lot No. 026. (District 4) (Appellant: Stephen M. Williams on behalf of Sunset Parkside Education and Action Committee (SPEAK)).

*The President inquired as to whether any member of the public wished to address the Board relating to the appeal of determination of exemption from environmental review for 2462 - 27th Avenue as referenced in File Nos. 100152, 100153, and 100154. There were no speakers. The President continued the public hearing open to April 27, 2010.*

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell
Excused: 3 - Alioto-Pier, Chu, Mirkarimi
Absent: 1 - Daly

**100152 [Affirming the Determination of Exemption Issued for 2462 – 27th Avenue]**

Motion adopting findings related to affirming the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell
Excused: 3 - Alioto-Pier, Chu, Mirkarimi
Absent: 1 - Daly

**100153 [Reversing the Determination of Exemption Issued for the 2462 – 27th Avenue Project]**

Motion reversing the determination by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell
Excused: 3 - Alioto-Pier, Chu, Mirkarimi
Absent: 1 - Daly

**100154 [Preparation of Findings Related to the Determination of Exemption Issued for 2462 – 27th Avenue Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of determination of exemption by the Planning Department that the project located at 2462 - 27th Avenue is exempt from environmental review. (Clerk of the Board)

**Supervisor Mar, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED to April 27, 2010. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Dufty, Elsbernd, Mar, Maxwell
Excused: 3 - Alioto-Pier, Chu, Mirkarimi
Absent: 1 - Daly

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns in Arabic and English.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Christopher Dahl; expressed various concerns.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*
*Drew Corey, expressed concerns relating to current budget deficit.*
*Francisco Da Costa, expressed various concerns.*

## CLOSED SESSION

## CONFERENCE WITH LABOR NEGOTIATORS

**100284 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

**Supervisor Maxwell, seconded by Supervisor Mar, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

*The Board recessed at the hour of 3:03 p.m. to convene in closed session pursuant to the above motion.*

*The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell*

*Persons in attendance:*
*Buck Delventhal, Deputy City Attorney*
*Elizabeth Salveson, Deputy City Attorney*
*Greg Wagner, Chief of the Mayor's Budget and Policy Office*
*Micki Callahan, Director of Department of Human Resources*
*Martin Gran, Director of Employee Relations*
*Ben Rosenfield, Controller*
*Angela Calvillo, Clerk of the Board*

*Supervisor Daly was noted absent at 3:15 p.m.*

*Matter was heard in Closed Session and Filed.*

*Reconvening of the Board*

*The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell*

*The Board at the hour of 4:09 p.m. reconvened.*

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Dufty, seconded by Supervisor Maxwell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi
Absent: 1 - Daly

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100283 [Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**
**Sponsor: Chiu**
Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.
**APPROVED**

**100274 [Commemorating the 75th Anniversary of the Works Progress Administration]**
**Sponsors: Mar; Avalos and Campos**
Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**100275 [Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]**
**Sponsors: Mar and Campos**
Resolution supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation.

*Supervisor Campos requested to be added as a co-sponsor.*

**ADOPTED**

**100276 [Commending the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]**
**Sponsors: Mar; Elsbernd and Campos**
Resolution commending the exchange program between the Experimental High School attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco.

*Supervisors Elsbernd and Campos requested to be added as co-sponsors.*

**ADOPTED**

**100278 [Supporting California Senate Bill 1225 Regarding Child Care Facilities]**
**Sponsors: Avalos; Dufty, Mar and Campos**
Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families.

*Supervisors Mar and Campos requested to be added as co-sponsors.*

**ADOPTED**

**100279 [Accept and Expend Gift – Recreation and Park Department – $15,000]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of $15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event.

**ADOPTED**

**100280 [Urging the Governor of California to Approve the Transit Assistance Funding Package]**
**Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu**
Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010.

**ADOPTED**

**100281 [Declaring March 23, 2010, as Gordon Park Li Day]**
**Sponsors: Dufty; Chiu, Elsbernd and Campos**
Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City of County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco.

*Supervisors Chiu, Elsbernd, and Campos requested to be added as co-sponsors.*

**ADOPTED**

**100258 [Final Map 5649: 445 – 701 Wawona Street]**
Motion approving Final Map 5649, a Three Lot Subdivision Project, located at 445 - 701 Wawona Street being a subdivision of Lot 093 in Assessors Block No. 2540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Maxwell requested that File No. 100282 be severed so that it may be considered separately.*

**100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**
**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**
Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

*Supervisors Maxwell, Mar, Avalos, and Campos requested to be added as co-sponsors.*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be CONTINUED to March 23, 2010. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell
Excused: 2 - Alioto-Pier, Mirkarimi

# IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

## Ordinances

**100330 [Veteran Commons Special Use District - 150 Otis Street]**
**Sponsor: Chiu**
Ordinance adding Planning Code Section 249.46 to establish the Veteran Commons Special Use District for property located at 150 Otis Street, Block No. 3513, Lot No. 07; amending the City's Zoning Map, Sheet Nos. HT07 and SU07 to change the height district from 85 to 125 feet and reflect the boundaries of the Veteran Commons Special Use District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

03/16/10; ASSIGNED to Land Use and Economic Development Committee.

**100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures]**
**Sponsor: Maxwell**
Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

**100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]**
**Sponsor: Maxwell**
Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

**100337 [Appropriating $1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]**
**Sponsor: Mayor**
Ordinance appropriating $1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program for FY2009-2010, and placing the entire appropriation of $1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisor's discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of $100,000,000 and adopting environmental findings. (Fiscal Impact.)

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100338 [Appropriating $33,735,421 of Proceeds from Debt and Fee Revenues for Water Capital Improvements at the Public Utilities Commission for FY2010-2011 and FY2011-2012]**

**Sponsor: Mayor**

Ordinance appropriating $30,483,021 of proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Water Enterprise's Capital Improvement Program for FY2009-2010 and placing $29,642,138 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness and fee revenues.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100339 [Appropriating $348,064,054 of State Grants Proceeds from Debt and Fee Revenues for Wastewater Capital Improvements at the Public Utilities Commission for FY2009-2010]**

**Sponsors: Mayor; Dufty**

Ordinance appropriating $348,064,054 of state grants, proceeds from debt and fee revenues for the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise's Capital Improvement Program for FY2009-2010, and placing $329,962,235 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act, where required, and receipt of proceeds of indebtedness, grant funds and fee revenues.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100340 [Wastewater Revenue Bond Issuance – Not to Exceed $297,756,235]**

**Sponsors: Mayor; Dufty**

Ordinance approving the issuance and sale of wastewater revenue bonds in an aggregrate principal amount not to exceed $297,756,235 by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100341 [Water Revenue Bond Issuance - Not to Exceed $1,737,724,038]**

**Sponsor: Mayor**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advance Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090584 [Requiring Lighting Efficiency Measures in Commercial and City Buildings]**
**Sponsor: Dufty**

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

05/12/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/11/2009. 1/5/10 - Supervisor Dufty requested this file remain open for an additional six months; 7/5/10.

05/20/09; REFERRED TO DEPARTMENT.

05/26/09; RESPONSE RECEIVED.

01/26/10; RESPONSE RECEIVED.

03/16/10; SUBSTITUTED.

**100103 [Prohibition on Tobacco Sales Within 1,000 Feet of a School]**
**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

01/26/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 2/25/2010.

02/04/10; REFERRED TO DEPARTMENT.

03/16/10; SUBSTITUTED.

## Resolutions

**100331 [Approving Central Subway Final Design Contract Package - Not to Exceed $32,294,319]**
**Sponsor: Chu**
Resolution approving Municipal Transportation Agency Contract No. CS-155-3, Professional Architectural and Engineering Services for the Final Design and Construction Support of the Central Subway Project - Design Package No. 3 Systems Design for the Central Subway Project with HNTB - B&C JV, a joint venture of HNTB Corporation and B&C Transit, Inc. for an amount not to exceed $32,294,319 for a term not to exceed ten years with an option to extend the term an additional two years.
(Fiscal Impact.)
03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**
**Sponsor: Maxwell**
Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.
03/16/10; ASSIGNED to Board of Supervisors.

**100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009 Department of Energy Weatherization Assistance Program – $2,581,152]**
**Sponsors: Mayor; Mar**
Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of $2,581,152.
03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100342 [Accept and Expend Gift - Hayes Valley Playground Project - $1,500,000]**
**Sponsors: Mayor; Mirkarimi**
Resolution accepting and expending a gift valued up to $1,500,000 from The Trust for Public Land to the Recreation and Parks Department for the Hayes Valley Playground project.
03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100343 [Accept and Expend Grant - Clinical and Transnational Science Institute - $56,019]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $56,019 from the Public Health Foundation Enterprises, Inc. to assist with a project entitled "Clinical and Transnational Science Institute" for the period of September 29, 2009, through September 28, 2011.
03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100346 [Supporting Reauthorization of San Francisco Unified School District's Mello-Roos Community Facilities District on the June 8, 2010, Ballot]**
**Sponsors: Chiu; Mar**
Resolution supporting the San Francisco Unified School District's proposal to reauthorize its Mello-Roos Community Facilities District Assessment on the June 8, 2010, Ballot.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100347 [Recognizing the Bay Area Air Quality Management District]**
**Sponsor: Mar**
Resolution recognizing the Bay Area Air Quality Management for their support of San Francisco's efforts to promote environmentally preferable garment cleaning technologies among local dry cleaners.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100348 [Accept and Expend Grant - Youth Stewardship Program - $20,000]**
**Sponsor: Avalos**
Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in the amount of $20,000 to support the San Francisco Recreation and Park Department Youth Stewardship Program for FY2009-2010.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**100327 [HIV Drug-Resistant Strains]**
**Sponsor: Dufty**
Hearing request about the inflammatory article Evolutionary article "Evolutionary Dynamics of Complex Networks of HIV Drug-Resistant Strains: The Case of San Francisco" (Science - February 5, 2010 - 5;327(5966):697-701), stating that drug resistant strain of HIV had emerged in San Francisco are posing a global public health threat. Further, requesting that the authors of the study appear in front of a committee to discuss their study in order to determine whether or not a public health crisis truly looms in San Francisco.

03/16/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100328 [2009 Citizens' General Obligation Bond Oversight Committee Annual Report]**
**Sponsor: Mar**
Hearing on 2009 Citizens' General Obligation Bond Oversight Committee Annual Report.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Motions

**100329 [Off-Site Budget and Finance Committee Meeting on April 14, 2010, 4:00 p.m. at Horace Mann Middle School]**
**Sponsor: Avalos**
Motion ordering the April 14, 2010, meeting of the Budget and Finance Committee be held at Horace Mann Middle School, 3351 - 23rd Street, auditorium in the Mission district of San Francisco.

03/16/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100344 [Committee of the Whole – Hearing on the Submission of a Design-Build Application to the California State Public Works Board]**
**Sponsor: Maxwell**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the Redevelopment Agency submission of a Design-Build application to the California State Public Works Board.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100345 [Committee of the Whole – Hearing on the Expenditure of Tax Increment Funds for Certain Streetscape Improvements in the Bayview Hunter's Point Redevelopment Project Area]**
**Sponsor: Maxwell**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the expenditure of tax increment funds, by the Redevelopment Agency, for a set of City owned streetscape improvements of the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

03/16/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by President at Request of Department

# PROPOSED RESOLUTIONS

**100298 [Freeway Maintenance Agreement for the Interchange at Highways 101 and 280]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highways 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100299 [Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]**

Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

03/01/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100301 [Approve Limit on Indemnification Liability of Prospective Consultant]**

Resolution approving proposed limit on indemnification liability of prospective construction management consultant for the proposed Calaveras Dam Replacement Project, pursuant to Administrative Code Section 6.42(C). (Public Utilities Commission)
(Fiscal Impact.)

03/08/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to prepare legislation amending the City Administrative Code to require the Controller to prepare a monthly report listing the five City departments using the most comp time in the preceding month. This report should be included in the monthly overtime report required by Administrative code Section 18.13-1 and 18.13-5.*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northeast corner Geary & Divisadero*
*Southeast corner Webster & Fell*
*Southwest corner 7th Avenue & Lincoln*
*Southwest corner Haight & Fillmore*
*Northeast corner Masonic & Waller*
*Northeast corner Linden & Buchanan*
*Northwest corner Fell & Buchanan*

*Bus Shelters*
*Southwest corner 9th Avenue & Irving*
*Northeast corner Laguna & Hayes*
*Southeast corner Buena Vista East & Haight*
*Northeast corner Haight & Buena Vista East*
*Fillmore & Haight (all 4 bus stops, graffiti and grime)*

*Emergency Boxes*
*Northwest corner Pierce & Haight*
*Southeast corner Fulton & Scott*
*Northwest corner Ashbury & Fell*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*
*Wood Poles*
*Southwest corner Fillmore & Hayes, by bus shelter*
*Southwest corner Baker & Fell*

*Metal Poles*
*Northwest corner Grove & Laguna*
*Southeast corner Hayes & Buchanan*
*Southeast corner Golden Gate & Broderick*
*Northwest corner Turk & Laguna*
*On Sutter, south side of street, between Broderick & Divisadero*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*959 Divisadero*
*2436 Bush*
*2498 Sutter*
*1401 Baker*
*Rosa Parks Senior Center, corner Golden Gate & Webster*
*1200 Laguna*
*548 Octavia*
*550 Octavia*
*605 Webster*
*299 Webster*
*689 Fulton*
*422 Grove, side of building*
*378 Fillmore*
*546 Haight*
*533 Haight*
*901 Haight*
*698 Haight*
*433 Haight*
*598 Waller*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Potholes and Sidewalk issues*
*Irving & 10th Avenue, north side of the street*
*Sink hole in front of 588 Haight Street*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Garbage Cans*
*Northeast corner Webster & Fulton*
*Southeast corner Haight & Buena Vista East*
*Southwest corner Eddy & Buchanan*

*Mailboxes*
*Northeast corner Scott & Haight*
*Northeast corner Haight & Fillmore*
*Southwest corner Pierce & Haight*
*Southwest corner McAllister & Buchanan*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore & Post*
*Southwest corner of Divisadero & Sutter*
*9th Avenue & Judah (near bus stops)*
*7th Avenue & Irving (near bus stops)*
*Northwest corner Hayes & Fillmore*
*Southeast corner of Fillmore & Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*
*Irving & 9th Avenue*
*Irvine & 7th Avenue*
*Southwest corner of Haight & Clayton*
*Southeast corner of Haight & Masonic*

*Examiner*
*Northwest corner of Fillmore & Hayes*
*Southeast corner of Haight & Fillmore*

*SF Daily*
*Northwest corner of Hayes & Gough*

*City Star*
*Northwest corner of Hayes & Gough*
*Southeast corner of Fillmore & Haight*
*SF Weekly*
*Southeast corner of Masonic & Haight and Southeast corner of Haight & Fillmore*

## In Memoriams

*Gerard Joseph Page – Supervisor Avalos*
*Aldo Peter Figone – Supervisor Alioto-Pier*
*Dr. George W. Davis – Supervisors Maxwell and Dufty*
*Dr. Edgar Wayburn – Supervisor Chiu*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 4:21 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 13, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, March 23, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>1:30 PM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:04 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**100044 [Repealing Various Municipal Transportation Agency Special Funds; Appropriating $70,687]**

**Sponsor: Chiu**

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code, by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating $70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.

**Ordinance No.** 65-10

**FINALLY PASSED**

**100174 [Approval of Mental Health Services Act Innovation Work Plan]**
**Sponsor: Mirkarimi**
Resolution authorizing adoption of the Mental Health Services Act Innovation Work Plan and modification of Contract No. 07-77338-000 to include this Plan in the agreement. (Public Health Department)

**Resolution No.** 107-10

**ADOPTED**

**100175 [Approval of Mental Health Services Act FY2010-2011 Annual Plan Update]**
**Sponsor: Mirkarimi**
Resolution authorizing adoption of the Mental Health Services Act FY2010-2011 Plan Update for the Community Services and Support, Prevention and Early Intervention, and Workforce Education and Training and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

**Resolution No.** 103-10

**ADOPTED**

**100176 [Approval of a Lease with the Federal Express Corporation at San Francisco International Airport]**
Resolution approving and authorizing the execution of Lease No. 09-0280 with Federal Express Corporation for cargo warehouse and support office space to be occupied by Federal Express Corporation in Building 900 at San Francisco International Airport. (Airport Commission)

**Resolution No.** 101-10

**ADOPTED**

## Recommendation of the Land Use and Economic Development Committee

**100136 [Floodplain Management Program]**
**Sponsor: Elsbernd**
Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

**Ordinance No.** 56-10

**FINALLY PASSED**

## Recommendations of the Rules Committee

**100068** **[Settlement of Lawsuit - Marjorie Flores - $57,500]**
Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for $57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 64-10

**FINALLY PASSED**

**100069** **[Settlement of Lawsuit - Yee Mei Hung - $50,000]**
Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for $50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 63-10

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Budget and Finance Committee

**091344** **[Redevelopment Agency Bond Authorization - $28,000,000]**
**Sponsors: Mayor; Avalos**
Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed $28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

**Resolution No.** 112-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

# NEW BUSINESS

## Recommendations of the Budget and Finance Committee

**100228 [Redevelopment Agency Budget FY2009-2010]**
**Sponsor: Avalos**
Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2009-2010 by increasing the Agency's tax increment bond proceeds by $28,000,000 and authorizing expenditures in an amount not to exceed $28,800,000 for payment to the Supplemental Educational Revenue Augmentation Fund.

**Resolution No.** 111-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100045 [Increasing Real Estate Recordation Fee]**
**Sponsor: Chiu**
Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to $3.00 from $2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100080 [Repealing the Department of Technology Cash Revolving Fund]**
Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - $750,635]**
**Sponsors: Mayor; Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $166,981.50]**

**Sponsor: Mirkarimi**

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of $166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed $282,400,000]**

**Sponsor: Dufty**

Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100169 [Wastewater Revenue Bonds Issuance - Not to Exceed $282,400,000]**

**Sponsor: Dufty**

Resolution approving the issuance of not to exceed $282,400,000 in aggregate principal amount of wastewater revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the wastewater revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

**Resolution No.** 110-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100177 [Real Property Lease Amendment - One Market Plaza]**

Resolution approving, retroactively, a lease at One Market Plaza, for the Department of Emergency Management under Administrative Code Section 23.27. (Real Estate Department)

**Resolution No.** 106-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - $5,000,000]**

**Sponsor: Elsbernd**

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of $5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

**Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED to March 30, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Land Use and Economic Development Committee

**091475 [General Plan Amendment - Market and Octavia Area Plan]**

**Sponsor: Mirkarimi**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**091209 [Interim Zoning Controls for the Bayshore Corridor]**

**Sponsors: Maxwell; Campos and Dufty**

Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve: (1) establishment of a formula retail use; (2) new retail uses that are 25,000 gross square feet or larger; and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code; and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Resolution No.** 115-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100266 [Urging the Department of Technology to Respond to Google's Request for Information with a Proposal that Allows the City to Maintain Control Over Fiber Networks]**

**Sponsor: Chiu**

Resolution urging the City and County of San Francisco's Department of Technology to respond to Google, Inc.'s Request for Information with a proposal to build a fiber network in San Francisco that is consistent with the City's core value of maintaining control over fiber infrastructure deployed in the City.

**Resolution No.** 113-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendations of the Public Safety Committee

**100112 [Dispatch Services in the Program for Additional Police Department Services]**

Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4, and 10B.5, including dispatch services provided by the Department of Emergency Management, in the program for additional Police Department services. (Department of Emergency Management)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100043 [Potential Health Impacts of Wireless Facilities]**

**Sponsors: Campos; Avalos, Chu and Mar**

Resolution urging the U.S. Environmental Protection Agency to study the health impacts of wireless facilities and, if appropriate, to establish a safe level of exposure to radiofrequency radiation emissions; urging the Federal Communications Commission to update its existing standards; and urging the California Congressional Delegation to introduce federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996.

**Resolution No.** 102-10

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Dufty, seconded by Supervisor Campos, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Gordon Park Li in recognition of his outstanding career and thanking him for his exceptional service to the City and County of San Francisco over the past 37 years, upon his retirement.*

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Male Speaker; expressed various religious concerns.*
*Female Speaker; expressed various concerns.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Christopher Dahl; spoke relating to tobacco and cessation.*
*Elizabeth Bell; expressed concerns relating to unemployment.*
*Camilia Correa; expressed concerns relating to unemployment.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100343 [Accept and Expend Grant - Clinical and Transnational Science Institute - $56,019]**
**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $56,019 from the Public Health Foundation Enterprises, Inc. to assist with a project entitled "Clinical and Transnational Science Institute" for the period of September 29, 2009, through September 28, 2011.

**Resolution No.** 105-10

**ADOPTED**

**100346 [Supporting Reauthorization of San Francisco Unified School District's Mello-Roos Community Facilities District on the June 8, 2010, Ballot]**
**Sponsors: Chiu; Mar**
Resolution supporting the San Francisco Unified School District's proposal to reauthorize its Mello-Roos Community Facilities District Assessment on the June 8, 2010, Ballot.

**Resolution No.** 114-10

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100347 [Recognizing the Bay Area Air Quality Management District]**
**Sponsor: Mar**
Resolution recognizing the Bay Area Air Quality Management for their support of San Francisco's efforts to promote environmentally preferable garment cleaning technologies among local dry cleaners.

**Resolution No.** 109-10

**ADOPTED**

**100348 [Accept and Expend Grant - Youth Stewardship Program - $20,000]**
**Sponsor: Avalos**
Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in the amount of $20,000 to support the San Francisco Recreation and Park Department Youth Stewardship Program for FY2009-2010.

**Resolution No.** 104-10

**ADOPTED**

**100344 [Committee of the Whole – Hearing on the Submission of a Design-Build Application to the California State Public Works Board]**
**Sponsor: Maxwell**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the Redevelopment Agency submission of a Design-Build application to the California State Public Works Board.

**Motion No.** M10-48

**APPROVED**

**100345 [Committee of the Whole – Hearing on the Expenditure of Tax Increment Funds for Certain Streetscape Improvements in the Bayview Hunter's Point Redevelopment Project Area]**
**Sponsor: Maxwell**
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 30, 2010, at 3:00 p.m. to hold a public hearing on the expenditure of tax increment funds, by the Redevelopment Agency, for a set of City owned streetscape improvements of the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

**Motion No.** M10-49

**APPROVED**

*The foregoing items were acted upon by the following vote:*
*Ayes: 10 – Mirkarimi, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell*
*Excused: 1 - Alioto-Pier*

*Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to rescind the previous vote to exclude File No. 100282. The motion carried by the following vote:*

*Ayes: 10 – Mirkarimi, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell*
*Excused: 1 - Alioto-Pier*

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Mirkarimi requested that File No. 100282 be severed so that it may be considered separately.*

**100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**
**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**
Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

*Supervisor Dufty requested to be added as a co-sponsor.*

**Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Resolution be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Mirkarimi, seconded by Supervisor Dufty, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100366 [Celebrating Nowruz, the Persian New Year]**
**Sponsor: Mirkarimi**
Resolution recognizing and appreciating the cultural contributions of Persian culture to modern society on the occasion of the Celebration of Nowruz, the Persian New Year.

**Resolution No.** 108-10

*The President inquired as to whether any member of the public wished to address the Board relating to Celebrating Nowruz as referenced in File No. 100366. There were no speakers. The President declared public comment closed.*

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by Supervisors or Mayor

### Ordinance

**091271 [Zoning – Street Frontages for Most Use Districts]**
**Sponsor: Mirkarimi**
Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
(3/23/10 - Supervisor Mirkarimi submitted a substitute ordinance bearing new title.)

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

11/18/09; REFERRED TO DEPARTMENT.

12/07/09; RESPONSE RECEIVED.

03/03/10; RESPONSE RECEIVED.

03/23/10; SUBSTITUTED.

### Resolutions

**100366 [Celebrating Nowruz, the Persian New Year]**
**Sponsor: Mirkarimi**
Resolution recognizing and appreciating the cultural contributions of Persian culture to modern society on the occasion of the Celebration of Nowruz, the Persian New Year.

03/23/10; ADOPTED.

**100373 [Authorizing Expenditures from South of Market Community Stabilization Fund - $1,844,273]**
**Sponsor: Daly**
Resolution approving the 2010 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend South of Market Community Stabilization Fund dollars in the amount of $1,844,273.
(Fiscal Impact.)

03/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100374 [Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**
**Sponsor: Maxwell**
Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

03/23/10; ASSIGNED to Board of Supervisors.

**100376 [Congratulating Assemblymember Fiona Ma]**
**Sponsors: Mirkarimi; Chiu, Dufty and Mar**
Resolution congratulating Assemblymember Fiona Ma on her appointment as Speaker pro Tempore of the California State Assembly.

03/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100378 [Commending Speaker Nancy Pelosi for Her Work on Health Care Reform]**
**Sponsors: Mayor; Chiu, Maxwell, Alioto-Pier, Chu, Dufty, Mar, Elsbernd, Mirkarimi, Daly, Campos and Avalos**
Resolution commending Speaker of the House of Representatives Nancy Pelosi for her courage as a champion for historic health care reform in the United States.

03/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100379 [Supporting Senate Bill 4 Banning Smoking at State Parks and Beaches]**
**Sponsor: Mar**
Resolution supporting Senate Bill 4 Banning Smoking at State Parks and Beaches.

03/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**100367 [Three-Year Budget Projection - Mayor's Office, Controller and Budget Analyst]**
**Sponsor: Avalos**
Hearing to consider three-year Budget Projection from the Controller's Office, Mayor's Office and Budget Analyst.

03/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100369 [FY2010-2011 Budget Hearing - Municipal Transportation Agency]**
**Sponsor: Chiu**
Hearing on the Municipal Transportation Agency's FY2010-2011 Budget and how the Agency plans to use the $36,000,000 in announced transit funding from the state.
03/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100370 [Sewer System Master Plan Project - Sewer System Improvement Program]**
**Sponsor: Maxwell**
Hearing on the status of the City's Sewer System Improvement Program.
03/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100372 [Federal Stimulus Funds - Jobs Now Program]**
**Sponsor: Maxwell**
Hearing on the status of the Jobs Now Program.
03/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100371 [Eastern Neighborhoods Area Plans - Funding Public Improvements]**
**Sponsor: Maxwell**
Hearing on the report on Strategies for Funding Public Improvements in the Eastern Neighborhoods Area Plans.
03/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100375 [Committee of the Whole - Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**
Hearing of persons interested in or objecting to the proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area. (Clerk of the Board)
03/23/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**100380 [Committee of the Whole - Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**
Hearing of persons interested in or objecting to the proposed Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunter's Point Shipyard Redevelopment Project Area. (Clerk of the Board)

## Motions

**100368** **[Off-Site Budget and Finance Committee Meeting on April 21, 2010, 4:00 p.m. at the Hall of Flowers]**
**Sponsor: Avalos**
Motion ordering the April 21, 2010, meeting of the Budget and Finance Committee be held at the Hall of Flowers, 9th Avenue at Lincoln Way, in the Inner Sunset district of San Francisco.

03/23/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100377** **[Rejecting the San Francisco Municipal Transportation Agency's Proposed Fare Changes to Create New Premium Monthly MUNI Passes]**
**Sponsors: Mirkarimi; Chiu, Campos, Dufty and Mar**
Motion rejecting the San Francisco Municipal Transportation Agency's proposed fare changes to create Premium Monthly San Francisco Municipal Railway Passes for express bus routes and cable cars.

03/23/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by President at Request of Department

# PROPOSED RESOLUTIONS

**100310** **[Airport Concession – Terminal 2 Book Store Lease with Books, Inc.]**
Resolution approving the Terminal 2 Book Store Lease between Books, Inc. (Compass Books, Inc.) and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100311** **[Airport Concession – Amendment to Paster Retail/Duty Free Concession Lease No. 99-0035 with DFS Group, L.P.]**
Resolution approving Amendment No. 8 to the Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between DFS Group, L.P., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100312** **[Airport Concession – Terminal 2 Gourmet Market and Wine Bar Lease with D-Lew Enterprise, LLC]**
Resolution approving a Terminal 2 Gourmet Market and Wine Bar Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100313 [Airport Concession – Terminal 2 Quick Serve Lease with BJ Annex, LLC]**
Resolution approving the Terminal 2 Quick Serve Lease, between BJ Annex, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100314 [Airport Concession – Terminal 2 Cocktail Lounge Lease with HBF Soto JV, LLC]**
Resolution approving the Terminal 2 Cocktail Lounge Lease between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100315 [Airport Concession – Terminal 2 Specialty Store Lease with Charles Chocolates, Inc.]**
Resolution approving the Terminal 2 Specialty Store Lease between Charles Chocolates, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100316 [Airport Concession – Terminal 2 Quick Serve Lease with Sankaku, Inc.]**
Resolution approving the Terminal 2 Quick Serve Lease between Sankaku, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100317 [Airport Concession – Terminal 2 Sit-Down Restaurant Lease with D-Lew Enterprises, LLC]**
Resolution approving a Terminal 2 Sit-Down Restaurant Lease between D-Lew Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100318 [Airport Concession – Terminal 2 Bakery and Coffee Facilities Lease with Gotham Enterprises, LLC]**
Resolution approving a Terminal 2 Bakery and Coffee Facilities Lease between Gotham Enterprises, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100319 [Airport Concession – Terminal 2 Quick Serve Lease with Andale Management Group, Inc.]**
Resolution approving the Terminal 2 Quick Serve Lease, between Andalé Management Group, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100320 [Airport Concession – Terminal 2 Quick Serve Lease with HBF Soto JV, LLC]**
Resolution approving the Terminal 2 Quick Serve Lease, between HBF Soto JV, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100321 [Airport Concession – Terminal 2 and 3 Electronics and Technology Stores Lease with Edge 1 Cellular, L.P.]**
Resolution approving the Electronics and Technology Stores in Terminal 2 and Terminal 3 Lease, between Edge 1 Cellular, L.P. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Board of Supervisors.

**100322 [Airport Concession – Terminal 2 Spa Lease with XpresSpa SF International, Inc.]**
Resolution approving the Terminal 2 Spa Lease between XpresSpa SF International, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

03/10/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100325 [Approving Sixth Modification to Water Supply Contract]**
Resolution approving a sixth modification to the water supply contract (Contract No. EY-76-C-03-0269), between the City and County of San Francisco and the Department of Energy, pursuant to Charter Section 9.118. (Public Utilities Commission)

03/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## Request Granted

*From: Supervisor Dufty*
*To: City Attorney*
*Requesting/Inquiring: Requesting the City Attorney to begin drafting legislation for a Special Use District located at 1800 Market Street that would allow for a restaurant and bar as a permitted use above the 2nd floor in this NCT-3 Zoning District, with appropriate limitations on any outdoor seating area.*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 3:39 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 20, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

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**Tuesday, March 30, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>1:30 PM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 2, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**100045 [Increasing Real Estate Recordation Fee]**
**Sponsor: Chiu**
Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to $3.00 from $2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.
**FINALLY PASSED**

**100080 [Repealing the Department of Technology Cash Revolving Fund]**
Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)
**FINALLY PASSED**

**100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed $282,400,000]**
**Sponsor: Dufty**
Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)
**FINALLY PASSED**

**100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - $750,635]**
**Sponsors: Mayor; Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.
**FINALLY PASSED**

**100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $166,981.50]**

**Sponsor: Mirkarimi**

Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of $166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.

**FINALLY PASSED**

**100183 [Lease with the U.S. Government for Office Space for the U.S. Drug Enforcement Administration at the Airport]**

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

**ADOPTED**

**100271 [Accept and Expend Grant - U.S. Department of Justice 2009 Community Oriented Policing Services Technology Initiative for the Expansion of a Gunshot Location System Project - $1,000,000]**

**Sponsor: Mayor**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project.

**ADOPTED**

## Recommendations of the City Operations and Neighborhood Services Committee

**100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - $88,000]**

**Sponsor: Campos**

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at $88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.

**ADOPTED**

**100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - $47,759]**

**Sponsors: Chu; Mar**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

**100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009 Department of Energy Weatherization Assistance Program – $2,581,152]**
**Sponsors: Mayor; Mar**
Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of $2,581,152.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

## Recommendation of the Public Safety Committee

**100112 [Dispatch Services in the Program for Additional Police Department Services]**
Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4, and 10B.5, including dispatch services provided by the Department of Emergency Management, in the program for additional Police Department services. (Department of Emergency Management)

**FINALLY PASSED**

## Recommendations of the Rules Committee

**100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - $25,750]**
Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for $25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100179 [Settlement of Lawsuit - Vincente V. Vista - $35,000]**
Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for $35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100180 [Settlement of Lawsuit - Thomas Barnes - $135,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for $135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100181 [Settlement of Lawsuit - Elbert Harris - $100,000]**
Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for $100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

**PASSED, ON FIRST READING**

**100249 [Settlement of Unlitigated Claim – Marlon Miranda - $75,000]**
Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for $75,000; claim was filed on June 18, 2009. (City Attorney)

**ADOPTED**

**100250 [Settlement of Unlitigated Claim – Thelma Jefferson - $200,000]**
Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for $200,000; claim was filed on September 28, 2009. (City Attorney)

**ADOPTED**

**100259 [Appointments, Pedestrian Safety Advisory Committee - Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich]**
Motion appointing Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich, terms ending March 28, 2011, and March 28, 2012, to the Pedestrian Safety Advisory Committee, residency requirement waived. (Clerk of the Board)

**APPROVED**

**100260 [Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson]**
Motion appointing Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson, terms ending March 1, 2013, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

**APPROVED**

**100261 [Appointment, Urban Forestry Council - Rose Hillson]**
Motion appointing Rose Hillson, term ending November 18, 2010, to the Urban Forestry Council. (Clerk of the Board)

**APPROVED**

**100262 [Removal of Tommy Escarcega from the Reentry Council]**
**Sponsor: Campos**
Motion removing Tommy Escarcega from the Reentry Council.
**APPROVED**

**100293 [Appointments, Shelter Monitoring Committee - Mary Howe and Robert Weber]**
Motion appointing Mary Howe and Robert Weber, terms ending November 23, 2010, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the Consent Agenda

*Supervisors Daly and Dufty requested that File No. 091475 be severed so that it may be considered separately.*

## Recommendation of the Land Use and Economic Development Committee

## Supervisors Daly and Dufty Excused from Voting

**Supervisor Campos, seconded by Supervisor Elsbernd, moved that Supervisors Daly and Dufty be excused from voting on File No. 091475. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Daly, Dufty

**091475 [General Plan Amendment - Market and Octavia Area Plan]**
**Sponsor: Mirkarimi**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

**FINALLY PASSED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Daly, Dufty

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - $5,000,000]**

**Sponsor: Elsbernd**

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of $5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**100206 [Appropriating $157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]**

**Sponsors: Dufty; Campos**

Ordinance appropriating $157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in Committee.)

*Privilege of the floor was granted to Rebecca Rolfe, LGBT Center Executive Director, and Roberto Ordeñana, LGBT Center Director of Community Development, who provided an overview of the organization and future plans for the LGBT Center as referenced in File Nos. 100206 and 100133.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

**100133 [Loan to the Community Center Project of San Francisco, Inc., at 1800 Market Street - $157,500]**

**Sponsors: Dufty; Campos**

Resolution authorizing the City to make a $157,500 loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, located at 1800 Market Street, and authorizing actions in the furtherance of this Resolution.

*See File No. 100206.*

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

**100277 [Reallocation of Grant - Capital Projects in Golden Gate Park - $2,067,663]**

**Sponsor: Mar**

Resolution authorizing the reallocation of $2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Rules Committee

**091444 [Creating an Energy Efficiency Steering Committee]**

**Sponsors: Mar; Campos and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: (1) create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; (2) provide for the Committee's membership, organization, and duties; and (3) set a sunset date for the Committee.

*Supervisor Mirkarimi requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100375 [Committee of the Whole - Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Hearing of persons interested in or objecting to the proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding streetscape improvements as referenced in File No. 100374. Lila Hussain (Redevelopment Agency) provided an overview of the project. Male Speaker spoke expressing various concerns. Francisco Da Costa spoke expressing various concerns. Female Speaker spoke expressing support for the project. Male Speaker spoke expressing various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**100374 [Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

**Sponsor: Maxwell**

Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100380 [Committee of the Whole - Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Hearing of persons interested in or objecting to the proposed Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunter's Point Shipyard Redevelopment Project Area. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding Community Facilities Demonstration Project as referenced in File No. 100334. Anne Taupier (Office of Economic and Workforce Development) and Guillermo Rodriguez (City Build) provided an overview of the project. Francisco Da Costa spoke expressing various concerns. May Isom spoke in support of the project. Marsha Daly spoke in support of the project. Pastor Jessiah spoke in support of the project. Male Speaker spoke in support of the project. Male Speaker spoke expressing various concerns. Walter Paulson shared in song certain concerns with the project. Richard McRee spoke expressing concerns relating to architectural design. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

**Sponsor: Maxwell**

Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.

**Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 3, Lines 23-24, replacing 'Clerk of the Board of Supervisors in File No. 12-2009' with 'Secretary of the Agency Commission in File No. 15-2009.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Avalos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Privilege of the Floor was granted to Kay Gulbengay (San Francisco Commission on the Status of Women) who provided an overview of the Commission and commended the Members of Board of Supervisors for their continued support.*

*Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Maria Bernardita Herrera in recognition of Women's History Month.*

*Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to La Shon Walker and Louise Winterstein in recognition of Women's History Month.*

*Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Mujeres Unidas y Activas in recognition of Women's History Month, in English and Spanish.*

*Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Judy Grossman in recognition of Women's History Month.*

*Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Celine Kennelly in recognition of Women's History Month.*

*Supervisor Daly introduced, welcomed and presented Certificates of Honor to Rachel Paras and the staff of Oasis for Girls in recognition of Women's History Month.*

*Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Karen Crommie in recognition of Women's History Month.*

*Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lorri Ungaretti in recognition of Women's History Month.*

*Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Chang Jok Lee in recognition of Women's History Month.*

*Supervisor Chu, on behalf of Supervisor Alioto-Pier, introduced, welcomed and presented Certificates of Honor to Gail Goldyne and Chief Joanne Hayes-White in recognition of Women's History Month.*

*Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Hene Kelly in recognition of Women's History Month.*

*Starr Terrell, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Tangerine Brigham in recognition of Women's History Month.*

# COMMITTEE REPORTS

## Recommendations of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**

**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**

**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Male Speaker; expressed various concerns.*
*Christopher Dahl; expressed various concerns.*
*Edmund Juicy; expressed various concerns.*
*John DiDonna; expressed various concerns.*
*Jay Bradshaw; expressed concerns relating to non-union contractors.*
*Mr. Rodriguez; expressed concerns relating to non-union contractors in English and Spanish.*
*Israel; expressed concerns relating to non-union contractors in English and Spanish.*
*Salvador Lopez; expressed concerns relating to non-union contractors in English and Spanish.*
*Brandon Sherron; expressed concerns relating to non-union contractors.*
*Emil Lawrence; expressed various concerns.*
*Cindy Ruiz; expressed concerns relating to the public library and social programs.*
*Female Speaker; expressed concerns relating to literacy programs.*
*Rudolfo Meyer; expressed concerns relating to social programs.*
*Melanie Shinn; expressed concerns relating to the public library and social programs.*
*Mary Mbugua; expressed concerns relating to domestic violence and support for literacy programs.*
*Female Speaker; expressed concerns relating to literacy and immigration reform.*
*Female Speaker; expressed concerns relating to fossil fuels and support for green energy.*
*Irene De La Rosa; expressed concerns relating to HIV/Aids awareness.*
*Marisa Hemenez; expressed concerns relating to obesity and diabetes awareness.*
*Irene Espericueta; expressed concerns relating to immigration reform.*
*Female Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Male Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Nour Chammas; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Homed Nader; expressed concerns relating to recent comments of the Police Chief regarding terrorism.*
*Boktar; expressed concerns relating to the recent comments of the Police Chief regarding terrorism.*
*Mohammad Abdullah; expressed concerns relating to racism of the Muslim community.*
*Jimmy Shamia; expressed concerns relating to the recent comments of the Police Chief regarding the middle eastern community.*
*Brandon Burke; expressed concerns relating to proposed MUNI reductions.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*
*David Pilpel; spoke in support of proposed motion to reject MUNI fare changes.*
*Francisco Da Costa, expressed various concerns.*
*Adrian Simi; expressed support for union workers.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100376 [Congratulating Assemblymember Fiona Ma]**
**Sponsors: Mirkarimi; Chiu, Dufty and Mar**
Resolution congratulating Assemblymember Fiona Ma on her appointment as Speaker pro Tempore of the California State Assembly.

*Supervisors Dufty and Mar requested to be added as co-sponsors.*

**ADOPTED**

**100378 [Commending Speaker Nancy Pelosi for Her Work on Health Care Reform]**
**Sponsors: Mayor; Chiu, Maxwell, Alioto-Pier, Chu, Dufty, Mar, Elsbernd, Mirkarimi, Daly, Campos and Avalos**
Resolution commending Speaker of the House of Representatives Nancy Pelosi for her courage as a champion for historic health care reform in the United States.

**ADOPTED**

**100379 [Supporting Senate Bill 4 Banning Smoking at State Parks and Beaches]**
**Sponsor: Mar**
Resolution supporting Senate Bill 4 Banning Smoking at State Parks and Beaches.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

### Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Avalos requested that File No. 100377 be severed so that it may be considered separately.*

**100377 [Rejecting the San Francisco Municipal Transportation Agency's Proposed Fare Changes to Create New Premium Monthly MUNI Passes]**
**Sponsors: Mirkarimi; Chiu, Campos, Dufty and Mar**
Motion rejecting the San Francisco Municipal Transportation Agency's proposed fare changes to create Premium Monthly San Francisco Municipal Railway Passes for express bus routes and cable cars.

*Supervisor Mar requested to be added as a co-sponsor.*

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

### Ordinance

**100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]**
**Sponsors: Mirkarimi; Chiu and Chu**
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### Resolutions

**100397 [Accept and Expend Grant - Pesticide Reduction - $49,971]**
**Sponsor: Chu**
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $49,971 from the US Environmental Protection Agency Office of Pesticide Reduction to create guidelines on building design and retrofit features that will prevent pest infestations, specifically with regards to existing and future green building reference standards.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100398 [Accept and Expend Grant - AIDS Office Space Renovation - $9,508,907]**
**Sponsors: Mayor; Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health in the amount of $9,508,907 to fund the AIDS Office Space Renovation for the period March 4, 2010, through March 3, 2015.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100399 [Contract Modification with Acumen Fiscal Agent LLC for the Jobs Now Program - $19,995,000]**
**Sponsor: Mayor**
Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of $10,000,000 for a total modified contract amount of $19,995,000.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100401 [Accept and Expend Grant - Bio-Rad Clinical Trial - $159,876]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of $159,876 to fund the Bio-Rad Clinical Trial project for the period of February 1, 2010, through June 30, 2010.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100402 [Accept and Expend Grant - China MSM Technical Assistance - $52,803]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $52,803 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "China MSM Technical Assistance" for the period of January 1, 2010, through December 31, 2010.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100403 [Accept and Expend Grant - Medical Monitoring Project - $401,770]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $401,770 to support a project entitled, "Medical Monitoring Project" for the period of June 1, 2010, through May 31, 2011.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100408 [MUNI Youth Lifeline Discount Pass]**
**Sponsors: Mirkarimi; Maxwell, Chiu, Dufty and Mar**
Resolution requesting the San Francisco Municipal Transportation Agency to create a Youth Lifeline Discount Fast Pass for qualified low-income youth.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100409 [Intent to Install a Commemorative Plaque at 575 Castro Street Recognizing Harvey Milk]**
**Sponsors: Dufty; Campos, Mirkarimi and Chiu**
Resolution to provide for the installation of a second plaque at 575 Castro Street, the location of Harvey Milk's former camera shop in the Castro Neighborhood, to identify his significant contributions to San Francisco and to the Lesbian, Gay, Bisexual, and Transgender Community.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100410 [Accept and Expend Grant - Pesticide Use Reporting - $2,880]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $2,880 from California Department of Pesticide Regulation to assist with a project entitled "Pesticide Use Reporting" for the period of July 1, 2010, through June 30, 2011.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100411 [Supporting Senate Bill 677 Regarding Human Trafficking]**
**Sponsors: Chu; Chiu**
Resolution supporting Senate Bill 677 regarding Human Trafficking, allowing courts to seize any property used in the commission of human trafficking and adding civil penalties.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100412 [Supporting Senate Bill 1108 Regarding Annual Small Business Participation Goal for State Funded Contracts]**
**Sponsor: Chiu**
Resolution supporting Senate Bill 1108 to codify Governor Schwarzenegger's Executive Order S-02-06 to ensure that the State continues to meet or exceed the 25 percent overall annual small business participation goal for state funded contracts.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100413 [Meat-Free Mondays]**
**Sponsors: Maxwell; Mar**
Resolution declaring every Monday as "Vegetarian Day" to urge all restaurants, grocery stores, and schools to offer a variety of plant based options to improve the health of San Francisco residents.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100414 [Commending San Francisco Businesses that Use Only Cage-Free Eggs]**
**Sponsors: Maxwell; Mar**
Resolution commending businesses in San Francisco that use only cage-free eggs, and encouraging all businesses to join them in going cage-free.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**100404 [Potrero Power Plant Closure]**
**Sponsor: Maxwell**
Hearing on the status of the closure of Mirant Corporation's Potrero Power Plant.

03/30/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100405 [FY2010-2011 Budget Hearings - Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department]**
**Sponsor: Avalos**
Hearings on the proposed FY2010-2011 budget of the Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department and on the impact of potential cuts to City services and programs on neighborhoods in Districts 6, 8, 9, 10, and 11.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100406 [Implementation of Laura's Law - Funding Treatment for Persons with Severe Mental Illness]**
**Sponsor: Alioto-Pier**
Hearing to review the assisted outpatient treatment for persons with severe mental illness and "Laura's Law" implementation.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100407 [Risks of Using Metal Bats in High School Baseball]**
**Sponsor: Alioto-Pier**
Hearing regarding the risks associated with the use of metal bats in organized high school baseball.

03/30/10; RECEIVED AND ASSIGNED to Public Safety Committee.

## Introduced by President at Request of Departments

# PROPOSED RESOLUTIONS

**100349 [Lease of Real Property – 1390 Market Street]**
Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)
(Fiscal Impact.)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100350 [Contract Amendment with ARAMARK Correctional Services, LLC, for Jail Food Services – Not to Exceed $27,000,000]**
Resolution authorizing the Sheriff's Department to enter into a Third Amendment to the Agreement between the City and County and ARAMARK Correctional Services, LLC, formally known as ARAMARK Correctional Services, Inc., to increase the contract amount from $24,000,000 to an amount not to exceed $27,000,000 and to extend the contract term to June 30, 2011. (Sheriff)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*600 Irving on the 7th Avenue side*
*1252 7th Avenue*
*1628 Post*
*350 Laguna*
*65 Haight*
*87 Oak*
*295 Buchanan*
*55 Laguna, on the Haight and Buchanan street sides*
*527 Haight*
*27 Steiner*
*796 Haight*
*965 Haight*
*981 Haight*
*1400 Judah*
*1422 Haight*
*793 Haight*
*418-420 Haight*
*482 Haight*
*422 Haight*
*400 Haight, on the Webster street side*
*525 Haight*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Poles*
*In front of 1405 Broderick*
*Northwest corner Laguna and Hayes*

*Metal Poles*
*Northeast corner Scott and Waller*
*Northeast corner Divisadero and Haight*
*In front of 445 Fillmore*
*In front of 173 Haight*
*In front of 1297 Haight*
*In front of 224 Haight*
*In front of 796 Haight*
*In front of 1742 Haight*
*Northwest corner Laguna and Post*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northwest corner Masonic and Haight*
*Northwest corner 10th Avenue and Kirkham*
*Southeast corner Golden Gate and Scott*
*Southwest corner Post and Scott*
*Southwest corner Webster and Fulton*
*Southeast corner Buchanan and Oak*
*Northeast corner Post and Steiner*
*Northwest corner Grove and Webster*
*Northeast corner Fell and Gough*

*Bus Shelters*
*Southeast corner Divisadero and Haight*
*Southwest corner Buchanan and Haight*
*Northeast corner Pierce and Hayes*
*Southwest corner Buena Vista East and Haight*
*Northeast corner Haight and Buena Vista West*
*Northeast corner Laguna and Hayes*
*Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*Fire Hydrant*
*Southeast corner Buchanan and Haight*

*Emergency Box*
*Southwest corner Buchanan and Oak*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore and Post*
*Southwest corner of Divisadero and Sutter*
*9th Avenue and Judah (near bus stops)*
*7th Avenue and Irving (near bus stops)*
*Northwest corner of Hayes and Fillmore*
*Southeast corner of Fillmore and Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*
*Irving and 9th Avenue*
*Irvine and 7th Avenue*
*Southwest corner of Haight and Clayton*
*Southeast corner of Haight and Masonic*

*Examiner*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*

*SF Daily*
*Northwest corner of Hayes and Gough*

*City Star*
*Northwest corner of Hayes and Gough*
*Southeast corner of Fillmore and Haight*

*SF Weekly*
*Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Garbage Cans*
*Northwest corner Gough and Fell*
*Southeast corner Haight and Buena Vista East*
*Southwest corner Haight and Buchanan*
*Southeast corner Buena Vista West and Haight*
*Northeast Lyon and Haight*
*Across the street from 10 Sutter*

*Mailboxes*
*Northwest Geary and Divisadero*
*Northeast corner Buchanan and Haight*
*Northeast corner Stanyan and Haight*
*Southwest corner Post and Broderick*
*Southeast Webster and O'Farrell*
*Northeast corner McAllister and Laguna*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Potholes and Sidewalk issues*
*Intersection Webster and Grove, North side of street*

## In Memoriams

*Bill McCool – Supervisor Dufty*
*Edna Gilchrist – Supervisor Dufty*
*Jim Marshall – Supervisor Dufty*
*Melvin Baker – Supervisor Dufty*
*Joe Jachetta – Supervisor Chiu*
*Herbert Gee – Supervisor Chu*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:10 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 27, 2010.*

Angela Calvillo, Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, March 30, 2010 - 2:00 PM**

**Legislative Chamber, Room 250**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget and Finance Committee**<br>Supervisors Avalos, Mirkarimi, Elsbernd | Wednesday<br>1:30 PM |
| **City and School District Select Committee**<br>Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza | 1st and 3rd Thursday<br>3:30 PM |
| **City Operations and Neighborhood Services Committee**<br>Supervisors Chu, Avalos, Elsbernd | 2nd and 4th Monday<br>10:30 AM |
| **Government Audit and Oversight Committee**<br>Supervisors Mar, Chu, Maxwell | 2nd and 4th Thursday<br>1:00 PM |
| **Land Use and Economic Development Committee**<br>Supervisors Maxwell, Mar, Chiu | Monday<br>1:00 PM |
| **Public Safety Committee**<br>Supervisors Chiu, Mirkarimi, Dufty | 1st and 3rd Monday<br>10:00 AM |
| **Rules Committee**<br>Supervisors Campos, Alioto-Pier, Mar | 1st and 3rd Thursday<br>10:00 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair of the Committee.

**Members Present:** John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.*

### Supervisor Alioto-Pier Excused from Voting

**Supervisor Dufty, seconded by Supervisor Mirkarimi, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

**Supervisor Dufty, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of March 2, 2010. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## COMMUNICATIONS

*There were none.*

# CONSENT AGENDA

## Recommendations of the Budget and Finance Committee

**100045 [Increasing Real Estate Recordation Fee]**
**Sponsor: Chiu**
Ordinance amending Section 8.24-5 of the Administrative Code to increase the recordation fee to $3.00 from $2.00 for recording real estate instruments, and authorizing the Controller to adjust the fee upon notice from the District Attorney, to become operative on its effective date or July 1, 2009, whichever is later, and making environmental findings.
**FINALLY PASSED**

**100080 [Repealing the Department of Technology Cash Revolving Fund]**
Ordinance repealing Article XV, Section 10.143 of the San Francisco Administrative Code which established a cash revolving fund for the Department of Technology. (Department of Technology)
**FINALLY PASSED**

**100168 [Wastewater Revenue Bonds Issuance and Sale - Not to Exceed $282,400,000]**
**Sponsor: Dufty**
Ordinance approving the issuance and sale of wastewater revenue bonds by the San Francisco Public Utilities Commission to finance various projects benefitting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.
(Fiscal Impact.)
**FINALLY PASSED**

**100208 [Accept and Expend Grant - American Recovery and Reinvestment Act and Amendment to the Annual Salary Ordinance, FY2009-2010 - $750,635]**
**Sponsors: Mayor; Dufty**
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $750,635 from the Federal Department of Energy's Solar America Initiative to remove barriers to the deployment of solar technologies in San Francisco by addressing the lack of financing options for solar power installations and amending Ordinance No. 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.
**FINALLY PASSED**

**100232 [Accept and Expend Grant – Supported Employment Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - $166,981.50]**
**Sponsor: Mirkarimi**
Ordinance authorizing the Office of the Public Defender to retroactively accept and expend a grant in the amount of $166,981.50 from the Metta Fund Foundation to implement a Supported Employment Program to assist Public Defender clients with mental illness in securing competitive employment, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect addition of one (1) grant-funded position (0.25 FTE) in Class 2910 Social Worker at the Office of the Public Defender.
**FINALLY PASSED**

**100183 [Lease with the U.S. Government for Office Space for the U.S. Drug Enforcement Administration at the Airport]**
Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)
**ADOPTED**

**100271 [Accept and Expend Grant - U.S. Department of Justice 2009 Community Oriented Policing Services Technology Initiative for the Expansion of a Gunshot Location System Project - $1,000,000]**
**Sponsor: Mayor**
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $1,000,000 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project.
**ADOPTED**

## Recommendations of the City Operations and Neighborhood Services Committee

**100229 [Accept and Expend Grant – Ogden Terrace Community Garden Landscape - $88,000]**
**Sponsor: Campos**
Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at $88,000 from the San Francisco Conservation Corps, to replace landscape retaining walls and steps at Ogden Terrace Community Garden.
**ADOPTED**

**100230 [Accept and Expend Grant - San Francisco Vaccine and Prevention Unit - $47,759]**
**Sponsors: Chu; Mar**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $47,759 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "San Francisco Vaccine and Prevention Unit" for the period of January 1, 2010, through August 31, 2011.
*Supervisor Mar requested to be added as a co-sponsor.*
**ADOPTED**

**100336 [Accept and Expend Grant – American Recovery and Reinvestment Act of 2009 Department of Energy Weatherization Assistance Program – $2,581,152]**
**Sponsors: Mayor; Mar**
Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act Weatherization Assistance Program funds from the U.S. Department of Energy, disbursed by the State of California's Department of Community Services and Development, in the amount of $2,581,152.

*Supervisor Mar requested to be added as a co-sponsor.*

**ADOPTED**

## Recommendation of the Public Safety Committee

**100112 [Dispatch Services in the Program for Additional Police Department Services]**
Ordinance amending San Francisco Administrative Code Sections 10B.1, 10B.2, 10B.3, 10B.4, and 10B.5, including dispatch services provided by the Department of Emergency Management, in the program for additional Police Department services. (Department of Emergency Management)

**FINALLY PASSED**

## Recommendations of the Rules Committee

**100178 [Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - $25,750]**
Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc., against the City and County of San Francisco for $25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100179 [Settlement of Lawsuit - Vincente V. Vista - $35,000]**
Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for $35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100180 [Settlement of Lawsuit - Thomas Barnes - $135,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for $135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100181 [Settlement of Lawsuit - Elbert Harris - $100,000]**
Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for $100,000 plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**100182 [Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**
Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

**PASSED, ON FIRST READING**

**100249 [Settlement of Unlitigated Claim – Marlon Miranda - $75,000]**
Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for $75,000; claim was filed on June 18, 2009. (City Attorney)

**ADOPTED**

**100250 [Settlement of Unlitigated Claim – Thelma Jefferson - $200,000]**
Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for $200,000; claim was filed on September 28, 2009. (City Attorney)

**ADOPTED**

**100259 [Appointments, Pedestrian Safety Advisory Committee - Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich]**
Motion appointing Catherine Liddell, Pi Ra, Richard Rothman, Mari Hunter, Howard Strassner, Dahianna Lopez and Paul Supawanich, terms ending March 28, 2011, and March 28, 2012, to the Pedestrian Safety Advisory Committee, residency requirement waived. (Clerk of the Board)

**APPROVED**

**100260 [Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson]**
Motion appointing Patricia Webb, Elva Hernandez, Kelly Dearman, James Illig, Tatiana Kostanian and Ethel Richardson, terms ending March 1, 2013, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

**APPROVED**

**100261 [Appointment, Urban Forestry Council - Rose Hillson]**
Motion appointing Rose Hillson, term ending November 18, 2010, to the Urban Forestry Council. (Clerk of the Board)

**APPROVED**

**100262 [Removal of Tommy Escarcega from the Reentry Council]**
**Sponsor: Campos**
Motion removing Tommy Escarcega from the Reentry Council.
**APPROVED**

**100293 [Appointments, Shelter Monitoring Committee - Mary Howe and Robert Weber]**
Motion appointing Mary Howe and Robert Weber, terms ending November 23, 2010, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Severed from the Consent Agenda

*Supervisors Daly and Dufty requested that File No. 091475 be severed so that it may be considered separately.*

## Recommendation of the Land Use and Economic Development Committee

## Supervisors Daly and Dufty Excused from Voting

**Supervisor Campos, seconded by Supervisor Elsbernd, moved that Supervisors Daly and Dufty be excused from voting on File No. 091475. The motion carried by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Daly, Dufty

**091475 [General Plan Amendment - Market and Octavia Area Plan]**
**Sponsor: Mirkarimi**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

**FINALLY PASSED by the following vote:**

Ayes: 8 - Avalos, Campos, Chiu, Chu, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 3 - Alioto-Pier, Daly, Dufty

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

**100263 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds - $5,000,000]**

**Sponsor: Elsbernd**

Resolution authorizing the Department of Public Works to file an application seeking state Section 190 Grade Separation funds, in the amount of $5,000,000 from the California Department of Transportation for the reconstruction of the Jerrold Avenue railroad bridge grade separation and to enter into a Memorandum of Understanding to pass through the funds to the Peninsula Corridor Joint Powers Board.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**100206 [Appropriating $157,500 of General Fund Reserve for a Loan to the Community Center Project of San Francisco in the City Administrator's Budget for FY2009-2010]**

**Sponsors: Dufty; Campos**

Ordinance appropriating $157,500 of General Fund Reserve for a loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, in the City Administrator's Budget for FY2009-2010.
(Fiscal Impact.)
(Supervisor Elsbernd dissented in Committee.)

*Privilege of the floor was granted to Rebecca Rolfe, LGBT Center Executive Director, and Roberto Ordeñana, LGBT Center Director of Community Development, who provided an overview of the organization and future plans for the LGBT Center as referenced in File Nos. 100206 and 100133.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

**100133 [Loan to the Community Center Project of San Francisco, Inc., at 1800 Market Street - $157,500]**

**Sponsors: Dufty; Campos**

Resolution authorizing the City to make a $157,500 loan to the Community Center Project of San Francisco, Inc., a California nonprofit public corporation, located at 1800 Market Street, and authorizing actions in the furtherance of this Resolution.

*See File No. 100206.*

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 1 - Elsbernd
Excused: 1 - Alioto-Pier

**100277 [Reallocation of Grant - Capital Projects in Golden Gate Park - $2,067,663]**

**Sponsor: Mar**

Resolution authorizing the reallocation of $2,067,663 in Proposition 40 grant funds among two capital projects in Golden Gate Park.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## Recommendation of the Rules Committee

**091444 [Creating an Energy Efficiency Steering Committee]**

**Sponsors: Mar; Campos and Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: (1) create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; (2) provide for the Committee's membership, organization, and duties; and (3) set a sunset date for the Committee.

*Supervisor Mirkarimi requested to be added as a co-sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100375 [Committee of the Whole - Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

Hearing of persons interested in or objecting to the proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding streetscape improvements as referenced in File No. 100374. Lila Hussain (Redevelopment Agency) provided an overview of the project. Male Speaker spoke expressing various concerns. Francisco Da Costa spoke expressing various concerns. Female Speaker spoke expressing support for the project. Male Speaker spoke expressing various concerns. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**100374 [Making Certain Findings for the Use of Tax Increment for the Newcomb Avenue Model Block Streetscape Improvements Pursuant to Health and Safety Code Section 33445]**

**Sponsor: Maxwell**

Resolution making certain findings pursuant to Health and Safety Code Section 33445 for the use of tax increment funds for the completion of construction documents, capital improvement costs and construction costs for the Newcomb Avenue Model Block Streetscape Improvements on the 1700 block of Newcomb Avenue in the Bayview Hunter's Point Redevelopment Project Area.

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**100380 [Committee of the Whole - Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

Hearing of persons interested in or objecting to the proposed Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunter's Point Shipyard Redevelopment Project Area. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board relating to proposed resolution regarding Community Facilities Demonstration Project as referenced in File No. 100334. Anne Taupier (Office of Economic and Workforce Development) and Guillermo Rodriguez (City Build) provided an overview of the project. Francisco Da Costa spoke expressing various concerns. May Isom spoke in support of the project. Marsha Daly spoke in support of the project. Pastor Jessiah spoke in support of the project. Male Speaker spoke in support of the project. Male Speaker spoke expressing various concerns. Walter Paulson shared in song certain concerns with the project. Richard McRee spoke expressing concerns relating to architectural design. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AT PUBLIC HEARING**

## Committee of the Whole Adjourn and Report Without Recommendation

**100334 [Approving Submission of a Design-Build Application to the California State Public Works Board Under California Public Contract Code Section 20688.6]**

**Sponsor: Maxwell**

Resolution making findings and authorizing the submission of a design-build application to the California State Public Works Board to permit construction of a Community Facilities Demonstration Project at Hunters Point Shipyard Redevelopment Project Area.

**Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED on Page 3, Lines 23-24, replacing 'Clerk of the Board of Supervisors in File No. 12-2009' with 'Secretary of the Agency Commission in File No. 15-2009.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## SPECIAL ORDER 3:30 P.M - Recognition of Commendations

### Privilege of the Floor

**Supervisor Avalos, seconded by Supervisor Maxwell, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

*Privilege of the Floor was granted to Kay Gulbengay (San Francisco Commission on the Status of Women) who provided an overview of the Commission and commended the Members of Board of Supervisors for their continued support.*

*Supervisor Avalos introduced, welcomed and presented a Certificate of Honor to Maria Bernardita Herrera in recognition of Women's History Month.*

*Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to La Shon Walker and Louise Winterstein in recognition of Women's History Month.*

*Supervisor Campos introduced, welcomed and presented a Certificate of Honor to Mujeres Unidas y Activas in recognition of Women's History Month, in English and Spanish.*

*Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Judy Grossman in recognition of Women's History Month.*

*Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to Celine Kennelly in recognition of Women's History Month.*

*Supervisor Daly introduced, welcomed and presented Certificates of Honor to Rachel Paras and the staff of Oasis for Girls in recognition of Women's History Month.*

*Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Karen Crommie in recognition of Women's History Month.*

*Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Lorri Ungaretti in recognition of Women's History Month.*

*Supervisor Chiu introduced, welcomed and presented a Certificate of Honor to Chang Jok Lee in recognition of Women's History Month.*

*Supervisor Chu, on behalf of Supervisor Alioto-Pier, introduced, welcomed and presented Certificates of Honor to Gail Goldyne and Chief Joanne Hayes-White in recognition of Women's History Month.*

*Supervisor Mar introduced, welcomed and presented a Certificate of Honor to Hene Kelly in recognition of Women's History Month.*

*Starr Terrell, on behalf of the Mayor, introduced, welcomed and presented a Certificate of Honor to Tangerine Brigham in recognition of Women's History Month.*

# COMMITTEE REPORTS

## Recommendations of the Land Use and Economic Development Committee

**091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**

**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

(Fiscal Impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

**100282 [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]**

**Sponsors: Mirkarimi; Maxwell, Mar, Avalos, Campos and Dufty**

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers."

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Excused: 1 - Alioto-Pier

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdullah Megaheed; expressed various concerns.*
*James Chaffee; expressed concerns relating to the SF Public Library.*
*Peter Warfield; expressed concerns relating to the SF Public Library.*
*Male Speaker; expressed various concerns.*
*Christopher Dahl; expressed various concerns.*
*Edmund Juicy; expressed various concerns.*
*John DiDonna; expressed various concerns.*
*Jay Bradshaw; expressed concerns relating to non-union contractors.*
*Mr. Rodriguez; expressed concerns relating to non-union contractors in English and Spanish.*
*Israel; expressed concerns relating to non-union contractors in English and Spanish.*
*Salvador Lopez; expressed concerns relating to non-union contractors in English and Spanish.*
*Brandon Sherron; expressed concerns relating to non-union contractors.*
*Emil Lawrence; expressed various concerns.*
*Cindy Ruiz; expressed concerns relating to the public library and social programs.*
*Female Speaker; expressed concerns relating to literacy programs.*
*Rudolfo Meyer; expressed concerns relating to social programs.*
*Melanie Shinn; expressed concerns relating to the public library and social programs.*
*Mary Mbugua; expressed concerns relating to domestic violence and support for literacy programs.*
*Female Speaker; expressed concerns relating to literacy and immigration reform.*
*Female Speaker; expressed concerns relating to fossil fuels and support for green energy.*
*Irene De La Rosa; expressed concerns relating to HIV/Aids awareness.*
*Marisa Hemenez; expressed concerns relating to obesity and diabetes awareness.*
*Irene Espericueta; expressed concerns relating to immigration reform.*
*Female Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Male Speaker; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Nour Chammas; expressed concerns relating to recent comments of the Police Chief regarding the middle eastern community.*
*Homed Nader; expressed concerns relating to recent comments of the Police Chief regarding terrorism.*
*Boktar; expressed concerns relating to the recent comments of the Police Chief regarding terrorism.*
*Mohammad Abdullah; expressed concerns relating to racism of the Muslim community.*
*Jimmy Shamia; expressed concerns relating to the recent comments of the Police Chief regarding the middle eastern community.*
*Brandon Burke; expressed concerns relating to proposed MUNI reductions.*
*Walter Paulson; shared in song certain concerns with the Board.*
*Richard McRee; expressed concerns relating to technology, inventions and patents.*
*David Pilpel; spoke in support of proposed motion to reject MUNI fare changes.*
*Francisco Da Costa, expressed various concerns.*
*Adrian Simi; expressed support for union workers.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**100376 [Congratulating Assemblymember Fiona Ma]**
**Sponsors: Mirkarimi; Chiu, Dufty and Mar**
Resolution congratulating Assemblymember Fiona Ma on her appointment as Speaker pro Tempore of the California State Assembly.

*Supervisors Dufty and Mar requested to be added as co-sponsors.*

**ADOPTED**

**100378 [Commending Speaker Nancy Pelosi for Her Work on Health Care Reform]**
**Sponsors: Mayor; Chiu, Maxwell, Alioto-Pier, Chu, Dufty, Mar, Elsbernd, Mirkarimi, Daly, Campos and Avalos**
Resolution commending Speaker of the House of Representatives Nancy Pelosi for her courage as a champion for historic health care reform in the United States.

**ADOPTED**

**100379 [Supporting Senate Bill 4 Banning Smoking at State Parks and Beaches]**
**Sponsor: Mar**
Resolution supporting Senate Bill 4 Banning Smoking at State Parks and Beaches.

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

### Severed from the For Adoption Without Committee Reference Agenda

*Supervisor Avalos requested that File No. 100377 be severed so that it may be considered separately.*

**100377 [Rejecting the San Francisco Municipal Transportation Agency's Proposed Fare Changes to Create New Premium Monthly MUNI Passes]**
**Sponsors: Mirkarimi; Chiu, Campos, Dufty and Mar**
Motion rejecting the San Francisco Municipal Transportation Agency's proposed fare changes to create Premium Monthly San Francisco Municipal Railway Passes for express bus routes and cable cars.

*Supervisor Mar requested to be added as a co-sponsor.*

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Alioto-Pier

## IMPERATIVE AGENDA

*There were none.*

# LEGISLATION INTRODUCED AT ROLL CALL

## Introduced by Supervisors or Mayor

### Ordinance

**100400 [Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]**
**Sponsors: Mirkarimi; Chiu and Chu**
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

### Resolutions

**100397 [Accept and Expend Grant - Pesticide Reduction - $49,971]**
**Sponsor: Chu**
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $49,971 from the US Environmental Protection Agency Office of Pesticide Reduction to create guidelines on building design and retrofit features that will prevent pest infestations, specifically with regards to existing and future green building reference standards.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100398 [Accept and Expend Grant - AIDS Office Space Renovation - $9,508,907]**
**Sponsors: Mayor; Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the National Institutes of Health in the amount of $9,508,907 to fund the AIDS Office Space Renovation for the period March 4, 2010, through March 3, 2015.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100399 [Contract Modification with Acumen Fiscal Agent LLC for the Jobs Now Program - $19,995,000]**
**Sponsor: Mayor**
Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of $10,000,000 for a total modified contract amount of $19,995,000.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100401 [Accept and Expend Grant - Bio-Rad Clinical Trial - $159,876]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of $159,876 to fund the Bio-Rad Clinical Trial project for the period of February 1, 2010, through June 30, 2010.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100402 [Accept and Expend Grant - China MSM Technical Assistance - $52,803]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $52,803 from the Public Health Foundation Enterprises, Inc., to assist with a project entitled "China MSM Technical Assistance" for the period of January 1, 2010, through December 31, 2010.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100403 [Accept and Expend Grant - Medical Monitoring Project - $401,770]**
**Sponsor: Dufty**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of $401,770 to support a project entitled, "Medical Monitoring Project" for the period of June 1, 2010, through May 31, 2011.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100408 [MUNI Youth Lifeline Discount Pass]**
**Sponsors: Mirkarimi; Maxwell, Chiu, Dufty and Mar**
Resolution requesting the San Francisco Municipal Transportation Agency to create a Youth Lifeline Discount Fast Pass for qualified low-income youth.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100409 [Intent to Install a Commemorative Plaque at 575 Castro Street Recognizing Harvey Milk]**
**Sponsors: Dufty; Campos, Mirkarimi and Chiu**
Resolution to provide for the installation of a second plaque at 575 Castro Street, the location of Harvey Milk's former camera shop in the Castro Neighborhood, to identify his significant contributions to San Francisco and to the Lesbian, Gay, Bisexual, and Transgender Community.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100410 [Accept and Expend Grant - Pesticide Use Reporting - $2,880]**
**Sponsor: Chu**
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of $2,880 from California Department of Pesticide Regulation to assist with a project entitled "Pesticide Use Reporting" for the period of July 1, 2010, through June 30, 2011.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100411 [Supporting Senate Bill 677 Regarding Human Trafficking]**
**Sponsors: Chu; Chiu**
Resolution supporting Senate Bill 677 regarding Human Trafficking, allowing courts to seize any property used in the commission of human trafficking and adding civil penalties.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100412 [Supporting Senate Bill 1108 Regarding Annual Small Business Participation Goal for State Funded Contracts]**
**Sponsor: Chiu**
Resolution supporting Senate Bill 1108 to codify Governor Schwarzenegger's Executive Order S-02-06 to ensure that the State continues to meet or exceed the 25 percent overall annual small business participation goal for state funded contracts.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100413 [Meat-Free Mondays]**
**Sponsors: Maxwell; Mar**
Resolution declaring every Monday as "Vegetarian Day" to urge all restaurants, grocery stores, and schools to offer a variety of plant based options to improve the health of San Francisco residents.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**100414 [Commending San Francisco Businesses that Use Only Cage-Free Eggs]**
**Sponsors: Maxwell; Mar**
Resolution commending businesses in San Francisco that use only cage-free eggs, and encouraging all businesses to join them in going cage-free.

03/30/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**100404 [Potrero Power Plant Closure]**
**Sponsor: Maxwell**
Hearing on the status of the closure of Mirant Corporation's Potrero Power Plant.

03/30/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**100405 [FY2010-2011 Budget Hearings - Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department]**
**Sponsor: Avalos**
Hearings on the proposed FY2010-2011 budget of the Human Services Agency, Municipal Transit Agency, and the Recreation and Parks Department and on the impact of potential cuts to City services and programs on neighborhoods in Districts 6, 8, 9, 10, and 11.

03/30/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**100406 [Implementation of Laura's Law - Funding Treatment for Persons with Severe Mental Illness]**
**Sponsor: Alioto-Pier**
Hearing to review the assisted outpatient treatment for persons with severe mental illness and "Laura's Law" implementation.

03/30/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**100407 [Risks of Using Metal Bats in High School Baseball]**
**Sponsor: Alioto-Pier**
Hearing regarding the risks associated with the use of metal bats in organized high school baseball.

03/30/10; RECEIVED AND ASSIGNED to Public Safety Committee.

## Introduced by President at Request of Departments

# PROPOSED RESOLUTIONS

**100349 [Lease of Real Property – 1390 Market Street]**
Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)
(Fiscal Impact.)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**100350 [Contract Amendment with ARAMARK Correctional Services, LLC, for Jail Food Services – Not to Exceed $27,000,000]**
Resolution authorizing the Sheriff's Department to enter into a Third Amendment to the Agreement between the City and County and ARAMARK Correctional Services, LLC, formally known as ARAMARK Correctional Services, Inc., to increase the contract amount from $24,000,000 to an amount not to exceed $27,000,000 and to extend the contract term to June 30, 2011. (Sheriff)

03/22/10; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## Requests Granted

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:*

*600 Irving on the 7th Avenue side*
*1252 7th Avenue*
*1628 Post*
*350 Laguna*
*65 Haight*
*87 Oak*
*295 Buchanan*
*55 Laguna, on the Haight and Buchanan street sides*
*527 Haight*
*27 Steiner*
*796 Haight*
*965 Haight*
*981 Haight*
*1400 Judah*
*1422 Haight*
*793 Haight*
*418-420 Haight*
*482 Haight*
*422 Haight*
*400 Haight, on the Webster street side*
*525 Haight*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:*

*Wood Poles*
*In front of 1405 Broderick*
*Northwest corner Laguna and Hayes*

*Metal Poles*
*Northeast corner Scott and Waller*
*Northeast corner Divisadero and Haight*
*In front of 445 Fillmore*
*In front of 173 Haight*
*In front of 1297 Haight*
*In front of 224 Haight*
*In front of 796 Haight*
*In front of 1742 Haight*
*Northwest corner Laguna and Post*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:*

*Utility Boxes*
*Northwest corner Masonic and Haight*
*Northwest corner 10th Avenue and Kirkham*
*Southeast corner Golden Gate and Scott*
*Southwest corner Post and Scott*
*Southwest corner Webster and Fulton*
*Southeast corner Buchanan and Oak*
*Northeast corner Post and Steiner*
*Northwest corner Grove and Webster*
*Northeast corner Fell and Gough*

*Bus Shelters*
*Southeast corner Divisadero and Haight*
*Southwest corner Buchanan and Haight*
*Northeast corner Pierce and Hayes*
*Southwest corner Buena Vista East and Haight*
*Northeast corner Haight and Buena Vista West*
*Northeast corner Laguna and Hayes*
*Fillmore and Haight (all 4 bus stops, graffiti and grime)*

*Fire Hydrant*
*Southeast corner Buchanan and Haight*

*Emergency Box*
*Southwest corner Buchanan and Oak*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian*
*Southeast corner of Fillmore and Post*
*Southwest corner of Divisadero and Sutter*
*9th Avenue and Judah (near bus stops)*
*7th Avenue and Irving (near bus stops)*
*Northwest corner of Hayes and Fillmore*
*Southeast corner of Fillmore and Haight*

*San Francisco Chronicle*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*
*Irving and 9th Avenue*
*Irvine and 7th Avenue*
*Southwest corner of Haight and Clayton*
*Southeast corner of Haight and Masonic*

*Examiner*
*Northwest corner of Fillmore and Hayes*
*Southeast corner of Haight and Fillmore*

*SF Daily*
*Northwest corner of Hayes and Gough*

*City Star*
*Northwest corner of Hayes and Gough*
*Southeast corner of Fillmore and Haight*

*SF Weekly*
*Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:*

*Garbage Cans*
*Northwest corner Gough and Fell*
*Southeast corner Haight and Buena Vista East*
*Southwest corner Haight and Buchanan*
*Southeast corner Buena Vista West and Haight*
*Northeast Lyon and Haight*
*Across the street from 10 Sutter*

*Mailboxes*
*Northwest Geary and Divisadero*
*Northeast corner Buchanan and Haight*
*Northeast corner Stanyan and Haight*
*Southwest corner Post and Broderick*
*Southeast Webster and O'Farrell*
*Northeast corner McAllister and Laguna*

*From: Supervisor Mirkarimi*
*To: Director, Department of Public Works*
*Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:*

*Potholes and Sidewalk issues*
*Intersection Webster and Grove, North side of street*

## In Memoriams

*Bill McCool – Supervisor Dufty*
*Edna Gilchrist – Supervisor Dufty*
*Jim Marshall – Supervisor Dufty*
*Melvin Baker – Supervisor Dufty*
*Joe Jachetta – Supervisor Chiu*
*Herbert Gee – Supervisor Chu*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:10 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 27, 2010.*

Angela Calvillo, Clerk of the Board



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